(*2*) In sub-section (*2*) of the same section,—

(*a*) After the word "Every" there shall be inserted the following, *viz.*:—

"tax imposed or"; and

(*b*) after the words "rate assessed," there shall be inserted the following, *viz.*:—

"or amount recoverable."

New section added.

9. After section 26 of the said Act there shall be inserted the following new section, *viz.*:—

[Vol. III of this Code.]

Amendment of section 42.

10. In sub-section (*1*) of section 42 of the said Act, after the words "singing of songs," there shall be inserted the following, *viz.*:—

"playing of music."

Amendment of section 48.

11. In clause (*a*) of sub-section (*1*) of section 48 of the said Act, after the words "conduct of," there shall be inserted the following, *viz.*:—

"and behaviour or action of persons constituting."

THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, extent and commencement.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

2. Definition of terms.

"Street", "public securities", "land".

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. Board charged with execution of this Act.
4. Constitution of the Board.
5. Elected Trustees to be elected by the Corporation, the Chamber of Commerce, the Trustees of the Port of Bombay and the Mill-owners' Association.
6. Method of election.
7. Report to be made of election.
8. Procedure in event of default to elect.
9. Appointment of nominated Trustees and the Chairman.
10. Term of office of first Trustees when to commence.
11. Election and appointment of Trustees.

SECTIONS.

12. Duration of term of office of Trustees.

13. Casual vacancies.
For periods exceeding three months.
Saving provision for acting appointment when necessary for less than three months.

Disqualification of Trustees.

14. Causes which disqualify.
Proviso.

15. Grounds on which Trustees shall vacate office.
Restriction on power of Trustees to vote or discuss matters in which they are interested.

16. Government to determine salary of Chairman.

17. Fees to which Trustees other than the Chairman shall be entitled.
For an ordinary meeting.
For a special meeting.
For a special meeting of a Committee.
Proviso.

Proceedings of Board.

18. Provisions concerning the Board's proceedings.
Vacancy not to affect proceedings.
The Board to meet and arrange for transaction of business as they think fit.
There must be an ordinary meeting once a month, or a special meeting whenever necessary.
Eight Trustees shall form a quorum.
Chairman, if present, to preside at every meeting.
All questions must be decided by a majority of votes.
Poll may be demanded.
Minutes must be kept.
The Board may delegate power to Committees.
Chairman to be President of every Committee.
Committees when to meet.
Chairman, if present, to preside at every meeting of a Committee.
Questions in Committee to be decided by majority of votes: two-thirds of the members to form a quorum.
Acts of the Board, etc., not to be invalidated by informalities.

19. Mode of executing contracts when the value is not more than Rs. 1,000.
When the value is more than Rs. 1,000.
Custody and use of common seal.

19A. Signature of Chairman on coupons of debentures may be impressed, etc.

20. The Board may compromise claims by or against them.

The Chairman.

SECTIONS.

21. Duties of Chairman.
22. Leave of absence of Chairman.
Allowance of Chairman while absent on leave.
Appointment and salary of Acting Chairman.
Leave allowance and pension of Chairman.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

23. The Board on being satisfied by official representation of unhealthiness of district or area to make scheme for its improvement.
23A. Government on official reference to direct Board to make an improvement scheme,
or to pass decision on official representation.
24. Official representation to be made by the Commissioner.
24A. Definition of official reference.
25. Particulars to be provided for in an improvement scheme.
26. Considerations which shall prevail in making the scheme.
27. Procedure on completion of the scheme.
Copy of notification of the scheme to be communicated to the President of the Corporation.
Publication of notification.
Service of notices on owners of property to be acquired in executing the scheme.
Notices how to be served.
27A. Right of owner to demand acquisition on issue of notification when building operations are in progress.
27B. Right of owner to demand acquisition or withdrawal by the Board after the lapse of one year from the date of the notification.
28. The Board after publication and service of notices to forward the scheme to Government for sanction.
Particulars to accompany the application for sanction.
Procedure when the scheme provides for the construction of dwellings for the poorer and working classes.
29. On receipt of sanction, declaration to be published giving particulars of land to be acquired, and on publication of such declaration the Board to proceed to execute the scheme.
The Board to have power to alter any part of the scheme.

Street Schemes.

SECTIONS.

30. The Board to have power to make a street scheme.

31. Particulars to be provided for in a street scheme.

32. Procedure on the completion of a scheme.

Deferred Street Schemes.

32A. The Board to have power to make a deferred street scheme.

Particulars to be provided for in a deferred street scheme.

Poorer Classes Accommodation Schemes.

32B. Application by employer for Poorer Classes Accommodation Scheme.

The Board may pass a resolution and make a scheme.

Particulars to be provided for in the scheme.

32C. Land on which dwellings may be constructed.

32D. Procedure on completion of scheme.

32E. Procedure when dwellings are to be constructed on Schedule C or D land.

32F. Deposit and notice.

32G. Term of lease and amount of rent.

32H. Provisions as to lease.

32I. Default and determination of lease.

Reclamation Schemes.

33. The Board to have power to make a reclamation scheme.

34. Particulars to be provided for in a reclamation scheme.

35. Procedure on completion of a scheme.

Copy of notification of the scheme to be communicated to the President of the Corporation.

Publication of notification.

36. The Board after publication to forward the scheme to Government for sanction.

37. Government not liable for loss due to enforcement of any order issued under section 33 or 34.

Police Accommodation Schemes.

SECTIONS.

38. The Board to have power to make a Police accommodation scheme.

Particulars to be provided for in a Police accommodation scheme.

39. Procedure on the completion of a scheme.

40. Vesting of land in Board.

Execution of scheme.

Terms of lease to Government.

" The cost of land " defined.

Land finally to vest in His Majesty.

Vesting of Streets, etc.

41. Municipal street required for scheme and vacant municipal land required for street to be vested in the Board

Questions arising under the provisos to sub-section (*1*) to be determined by the Collector.

41A. Cost of acquiring such land when to be repaid to the Corporation.

42. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities in regard to public and private streets.

43. Powers and liability of the Board as to gas pipes in land vested in the Board.

44. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities by the Bombay Tramways Act, 1874.

45. Minimum width of new streets.

Proviso in case of garden or open spaces being reserved on one or both sides of a street.

Streets on completion to vest in and be maintained by the Corporation.

Service passages.

Open spaces reserved for ventilation to vest in and be maintained by the Corporation.

Disputes under this section to be determined by Government.

Acquisition of Land.

SECTIONS.

46. The Board to have power to acquire land by agreement.
47. Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.
48. A Tribunal of Appeal to be appointed to perform the functions of the Court.
Constitution of the Tribunal.
Selection of President.
Duration of office.
Removal of members.
Vacancies to be supplied.
Remuneration of members.
Expenses of the Tribunal to be paid by the Board.
Enforcement of the decision of the Tribunal.
Appeal to the High Court from the decision of the Tribunal in certain cases.
Power of President to make appointments and rules with the sanction of Government.
Powers of the Tribunal.
49. Special provisions as to compensation.
50. Collector to take possession after making award and transfer land to the Board.

Resumption of Lands from the Board.

51. Compensation to Board on land resumed.
51A. Definition of term "Cost of Reclamation."

CHAPTER IV.

BORROWING POWERS.

52. Power to borrow from the Secretary of State for India in Council or other persons.
53. Government to direct manner in which money shall be borrowed from other persons.
54. [*Repealed.*]
55. Provision for sinking fund to repay money borrowed.
56. Dates fixed for investment of sinking funds in public securities.
57. Period over which loans may extend.

SECTIONS.

58. Form of securities.
58A. Payment to survivors of joint payees.
58B. Power of one or more joint holders to grant receipts.
59. The Board to have power to take advances from Banks to the extent of any loan sanctioned by Government and to grant mortgages.

CHAPTER V.

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

60. Particulars of land vested in the Board.
The Flats.
The Kennedy Sea Face.
The Cooperage Plot, the Secretariat Plot, and the Marine Lines Estate.
The Board to maintain and manage lands referred to in sub-sections (2), (3) and (4).
Period for which lands shall remain vested in the Board.
Proviso as to aggregate term for which such lands may be leased by the Board.
Power of the Board to exchange, and effect of such exchange.
Power of the Board to hold other lands transferred by Government or the Corporation.
Power of Government and the Corporation to resume lands required for a public purpose.
Power of Government to alter entries in Schedules and deposited plans.
61. Particulars of reclamation rights vested in the Board.
Provision in event of the Board failing to commence reclamation.
Power of Government to take possession of any reclaimed land required for a public purpose.
62. Vesting of property in His Majesty and the Corporation, respectively, on the termination of leases granted by the Board.

General Powers as to Property.

63. Power to the Board to acquire and hold property.
Power to lease.
Power to sell.

SECTIONS.

64. Application of proceeds of sale and exchange of property.
65. Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.
66. [*Repealed.*]

Liabilities.

67 to 71. [*Repealed.*]
71A. Provision for dissolving the Board and effects of dissolution.

CHAPTER VI.

REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

72. Amount of payment to be made by the Commissioner to the Board on the first day of May.
73. [*Repealed.*]

Payments by Government.

74. Government to pay to the Board the profits from certain lands realised subsequently to August, 1897.

Division of Accounts.

75. Cost of management for certain period to be charged to capital and thereafter apportioned between capital and revenue.
Capital account to show expenditure on each scheme and on the improvement of lands specified in Schedule C and in Schedule D and on reclamations separately.
76. [*Repealed.*]
77. Charges to which moneys credited to the General Account shall be applied.
Power to advance sums standing to the credit of the General Account to meet current capital expenditure.
78. The General Account to distinguish between items in respect of lands specified in Schedule C and in Schedule D and reclamations.

Disposal of Balances.

79. Credit balances to be applied to meet current capital expenditure or to the reduction of debt on account of loans.
Debit balances to be charged to capital.

Guarantee for fulfilment of Liabilities.

SECTIONS.

80. Procedure in event of default by Board in payment of interest or investment of sinking fund charges.
81. Procedure in case of default by Commissioner.
82. Certain sums to be a charge upon the property of the Board.

Annual Estimates.

83. Chairman to frame an annual estimate of income and expenditure.
84. The Board to sanction or amend such estimates.
85. Estimates to be submitted to Government for sanction.
86. Transitory provision for submission and treatment of first estimates after date of constitution of the Board.
87. Supplementary estimates may be prepared and submitted when necessary.
88. No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

Audit of Accounts.

89. Accounts to be audited and examined by Government auditor twice in every year.
Auditors may require production of documents.
Their remuneration to be fixed by Government.
Their report together with an abstract of the accounts to be published in the Government Gazette.

Banking.

89A. All moneys to be deposited in prescribed Bank.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

90. Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board.
Certain classes not to be deemed officers and servants except for certain purposes.

SECTIONS.

91. The Board to frame regulations for—
Regulating grant of leave.
Authorizing payment of leave allowances.
Determining amount of acting allowances.
Regulating period of service.
Determining conditions of grant of allowances.
Authorizing contributions to Provident Fund.
Determining conditions of grant of wound pensions or compassionate allowances.

Powers of Appointment, etc.

92. Appointments, etc., by whom to be made.
93. Orders affecting pay, etc., of certain officers to be subject to the sanction of Government.
"Engineer" defined.

CHAPTER VIII.

BY-LAWS.

94. The Board empowered to make by-laws.
95. Approval and publication of by-laws.
96. Penalties for infringement of by-laws.
97. By-laws to be exhibited.

CHAPTER IX.

PENALTIES.

98. For being interested in contracts with the Board.
99. For obtaining illegal gratification.
100. For refusing or neglecting to appear before an auditor of accounts, etc.
101. Cognizance of offences against this Act.

CHAPTER X.

MISCELLANEOUS.

102. Provision when day appointed for any purpose is a Sunday or public holiday.
103. Measurement of distances.
104. Limitation of suits.

SCHEDULES.

BOMBAY ACT No. IV OF 1898.[1]

[*30th August 1898.*]

An Act for the improvement of the City of Bombay and to provide space for its future expansion.

WHEREAS it is expedient to make provision for the improvement and for the future expansion of the City of Bombay, by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said City and for the Presidency Police, by laying out vacant lands and by reclaiming and laying out parts of the foreshore of the Island of Bombay; and whereas it is expedient that a Board of Trustees should be appointed and endowed with special powers to carry out the aforesaid purposes in the manner and subject to the restrictions and conditions hereinafter specified, and whereas it is proposed that certain lands and reclamation rights shall be vested in the Board in the manner hereinafter appearing, and whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the City of Bombay Improvement Act, 1898;

(*a*) It extends only to the City of Bombay;

(*b*) It shall come into force immediately on the passing thereof.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

(*2*) Nothing in this Act shall be deemed to affect the provisions of the [2]Indian Telegraph Act, 1885, or the [3]Indian Railways Act, 1890. XIII of 1885. IX of 1890.

Definition of terms.

2. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the [4]City of Bombay Municipal Act, 1888, as from time to time amended, hereinafter referred to as "the Municipal Act": Bom. Act III of 1888.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1898, Pt. V, p. 53; for Report of Select Committee, *see ibid*, p. 53, and for Proceedings in Council, *see ibid*, pp. 157, 232, 276 and 295.

[2] General Acts, Vol. III.

[3] General Acts, Vol. IV.

[4] Vol. III of this Code.

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" were omitted : "Street."

Provided also that the term "public securities" shall include securities issued under this Act : "Public securities."

Provided also that in the construction of the provisions of Chapter III of this Act and of sections 60, 61 and 62, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in sub-section (*1*) of section 47 of this Act. "Land."

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Constitution of Board.

3. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the Improvement of the City of Bombay"; and such Board, hereinafter referred to as "the Board", shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid. Board charged with execution of this Act.

4. The Board shall consist of fourteen members, that is to say, of three *ex-officio* Trustees, seven elected Trustees, three nominated Trustees, and a Chairman who shall also be a Trustee. Constitution of the Board.

The *ex-officio* Trustees shall be—

(1) [1] [the General Officer Commanding, Bombay Brigade, or, when the said officer is absent from Bombay, the Assistant Commanding Royal Engineer,]

(2) the Collector,

and

(3) the Commissioner.

5. Of the elected Trustees four shall be elected by the Corporation, one by the Bombay Chamber of Commerce (hereinafter called the Chamber), one by the Trustees of the Port of Bombay (hereinafter called the Port Trustees) and one by the Bombay Mill-owners' Association (hereinafter called the Mill-owners' Association), out of their own bodies, respectively, and any Trustee so elected shall be re-eligible. Elected Trustees to be elected by the Corporation, the Chamber of Commerce, the Trustees of the Port of Bombay and the Mill-owners' Association.

[1] These words were substituted for the words "the General or other Military Officer Commanding Bombay District" by s. 2 and Sch. I of the Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

Method of election.

6. The election of Trustees—

(*1*) by the Corporation, the Port Trustees and the Mill-owners' Association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Corporation shall be by open vote;

(*2*) by the Chamber shall be held in the manner laid down in the Rules and Regulations of the Chamber for the election of Port Trustees.

Report to be made of election.

7. Upon the election of any Trustee or Trustees, the President of the Corporation, or the Secretary of the Chamber or the Secretary of the Port Trustees, or the Secretary of the Mill-owners' Association, as the case may be, shall forthwith make a return to Government of the name or names of the person or persons elected as aforesaid, and such return shall be published in the Bombay Government Gazette.

Procedure in event of default to elect.

8. In the event of default being made by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government, by notification in the Bombay Government Gazette, to nominate a person belonging to the body so making default, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Corporation, or the Chamber, or the Port Trustees, or the Mill-owners' Association, respectively.

Appointment of nominated Trustees and the Chairman.

9. The nominated Trustees and the Chairman shall be appointed by Government by notification in the Bombay Government Gazette.

Term of office of first Trustees when to commence.

10. The term of office of the first nominated and elected Trustees shall commence on such date not being within thirty days from the date of this Act coming into force as shall be notified in this behalf by Government.

Election and appointment of Trustees.

11. Upon the publication of the notification under section 10, the Corporation, the Chamber, the Port Trustees and the Mill-owners' Association shall respectively proceed to elect Trustees, as hereinbefore provided. The Trustees first to be elected shall be elected on some day not later than a fortnight previous to the date which shall be notified under the said section, and the Trustees first to be nominated shall be appointed on some day during the said fortnight; in every other case elected Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of

the month of March next preceding the 1st of April from which their term of office is to commence ; and nominated Trustees shall be appointed on some day in the remainder of the said month of March.

Duration of term of office of Trustees.

12. (*1*) The Chairman shall be from time to time appointed by Government for a period of not less than three years: Provided that he may be removed from office by Government at any time, if it shall appear to Government that he has shown himself unsuitable for the office, or that he has been guilty of any misconduct or neglect which renders his removal expedient.

(*2*) The first nominated Trustees and four of the first elected Trustees to be selected by lot at such time and in such manner as the Chairman shall determine, shall hold office up to and inclusive of the 31st day of March, 1901.

(*3*) The remaining three of the first elected Trustees shall hold office up to and inclusive of the 31st day of March, 1900.

In every other case the nominated and elected Trustees shall hold office for a term of two years.

Casual vacancies.

13. (*1*) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a nominated Trustee, or by the Corporation or the Chamber or the Port Trustees or the Mill-owners' Association, respectively, if it was that of an elected Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

(*2*) If a Trustee, other than the Chairman,—

For periods exceeding three months.

(*a*) departs from Bombay with a declared intention of being absent for a period exceeding three months ; or

(*b*) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months ; or

(*c*) has been absent from Bombay for a period exceeding three months ;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Saving provision for acting appointment when necessary for less than three months.

(*3*) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is a nominated Trustee, and on the application of the Board to the electoral body concerned if the absentee is an elected Trustee.

Disqualification of Trustees.

Causes which disqualify.

14. (*1*) A person shall be disqualified to be a Trustee who—

(*a*) is an uncertificated bankrupt or insolvent; or

(*b*) has been sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(*c*) holds any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board.

Proviso.

(*2*) But a person other than the Chairman shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

(*e*) any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or

(*f*) any agreement for the loan of money or any security for the payment of money only; or

(*g*) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(*h*) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(*i*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

Grounds on which Trustees shall vacate office.

15. (*1*) Any Trustee who—

(*a*) becomes disqualified for any of the reasons mentioned in the last preceding section; or

(*b*) is absent from or unable to attend the meetings of the Board for a period exceeding twelve consecutive months, or is absent without the permission of the Board from [1] [all the meetings of the Board for a period of three months]; or

(*c*) acts in contravention of the provisions of the next succeeding sub-section; or

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[1] These words were substituted for the words "six consecutive ordinary meetings of the Board" by s. 2 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(*d*) being an elected Trustee shall cease to be a Councillor, or a member of the Chamber, or a Port Trustee or a member of the Mill-owners' Association, as the case may be,

shall cease to be a Trustee, and his office shall thereupon become vacant':

Provided that clause (*a*) shall not be deemed to apply to a Councillor or a Port Trustee who shall upon ceasing to be a Councillor or Port Trustee, as the case may be, be forthwith re-appointed or re-elected as a Councillor or Port Trustee.

Restriction on power of Trustees to vote or discuss matters in which they are interested.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in sub-section (2) of section 14 or in which he is interested either professionally on behalf of a client or as agent for any person.

Government to determine salary of Chairman.

16. (*1*) The Chairman shall receive such monthly salary as Government shall from time to time determine: provided that such salary shall not exceed Rs. 3,000 and, save during the twelve months next succeeding the date which shall be notified under section 10, shall not be less than Rs 2,000. He shall, except within the period aforesaid, hold no other salaried office, and, save in so far as he may be otherwise permitted by Government, shall devote his whole time and attention to his duties under this Act.

(2) For the purposes of this section and of section 22 'salary' shall be deemed to be exclusive of any allowance to which the officer appointed may be entitled or any contribution [1] [payable on his account under any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service].

Fees to which Trustees other than the Chairman shall be entitled.

17. Every Trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

For an ordinary meeting.

Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any Trustee for his attendance at all such meetings during that one week;

For a special meeting.

Rs. 30 for every special meeting of the Board convened under sub-section (2) (*b*) of the next succeeding section;

[1] These words were substituted for the words " which he may be liable to pay under the Civil Service Regulations " by s. 3 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

For a special meeting of a Committee.

Rs. 15 for every special meeting of a Committee of which such Trustee attending is a member, convened under sub-section (4) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses;

Proviso.

Provided that the aggregate amount of fees payable to any Trustee in respect of meetings held during any month shall not exceed Rs. 200 or such sum as may be fixed by any by-law from time to time made in this behalf.

Proceedings of Board.

Provisions concerning the Board's proceedings.

18. The following provisions shall be observed with respect to the proceedings of the Board (namely) :—

Vacancy not to affect proceedings.

(1) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

The Board to meet and arrange for transaction of business as they think fit.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings and generally with respect to the transaction of business, as they think fit, subject to the following provisions (namely) :—

There must be an ordinary meeting once a month, or

(*a*) an ordinary meeting shall be held once at least in every month;

a special meeting whenever necessary.

(*b*) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

Eight Trustees shall form a quorum.

(*c*) no business shall be transacted at any meeting unless at least eight Trustees are present from the beginning to the end of such meeting;

Chairman, if present, to preside at every meeting.

(*d*) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting;

(*e*) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes; All questions must be decided by a majority of votes.

(*f*) if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the President; Poll may be demanded.

(*g*) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours. Minutes must be kept.

(*3*) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit; and may— The Board may delegate power to Committees.

(*a*) refer to such Committees for inquiry and report any subject relating to the purposes of this Act,

(*b*) delegate to such Committees by a specific resolution in this behalf, and subject to any by-laws made under clause (*a*) of section 94(*i*), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee: Chairman to be President of every Committee.

(*4*) Committees may meet and adjourn as they think proper, but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee. Committees when to meet.

(*5*) Every Committee meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting. Chairman, if present, to preside at every meeting of Committee.

(*6*) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the President of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of Questions in Committee to be decided by majority of votes: two-thirds of the

members to form a quorum.

the members of the Committee are present from the beginning to the end thereof.

Acts of the Board, etc., not to be invalidated by informalities.

(7) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

Mode of executing contracts when the value is not more than Rs. 1,000.

19. (1) The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

When the value is more than Rs. 1,000.

(2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Board, shall be in writing, and shall be signed by the Chairman [1] * * *, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board.

Custody and use of common seal.

(3) The common seal of the Board, which shall remain in the custody of the Secretary of the Board, shall not be affixed to any contract or other instrument except in the presence of two Trustees, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said Trustees shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Signature of Chairman on coupons of debentures may be impressed, etc.

[2] [**19A.** Notwithstanding anything contained in the last preceding section, the signature of the Chairman may be engraved, lithographed or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signatures so engraved, lithographed or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the said Chairman.]

The Board may compromise claims by or against them.

20. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

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[1] The words "and two other Trustees" were repealed by s. 2 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

[2] Section 19A was inserted by s. 3 *ibid*.

The Chairman.

21. The Chairman shall— Duties of Chairman.

(*1*) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(*2*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, to the extent specified in section 92 (*1*), dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(*3*) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

22. (*1*) Leave of absence may be granted from time to time to the Chairman by Government. Leave of absence of Chairman.

(*2*) The allowance (if any) to be paid to the Chairman whilst so absent on leave shall be of such amount, not exceeding the amount of the salary of the Chairman, as shall be fixed by Government: provided that if the Chairman is a Government officer, the amount of the allowance shall be such as he may be entitled to under [1][any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service]. Allowance of Chairman while absent on leave.

(*3*) During any absence of the Chairman Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable and shall receive such monthly salary within the limit prescribed in section 16 as Government shall determine. Appointment and salary of Acting Chairman.

[2][(*4*) If the Chairman is a Government servant, the Board shall be liable to pay such contribution for his leave and pension as may be prescribed in any general or special orders of Government for the time being in force regulating the transfer of Government servants to foreign service and shall not be liable to pay his leave allowances or pension otherwise than as may be prescribed in such orders.] Leave allowance and pension of Chairman.

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[1] These words were substituted for the words "the Civil Service Regulations" by s. 4 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-section (*4*) was inserted by *ibid.*

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

23. When an official representation as hereinafter mentioned is made to the Board that within certain limits in any part of the City either—

(*1*) any buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(*2*) the narrowness, closeness and bad arrangement or the bad condition, of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings;

and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, the Board shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area. [1][But the Board shall be at liberty to postpone making a scheme for the improvement of such area until such time as they may deem expedient, if they are satisfied for reasons to be recorded by them that it is inexpedient forthwith to proceed to make a scheme for the improvement of such area]:

Provided that any number of such areas may be included in one improvement scheme:

Provided also that for the purposes of section 26 the Board may cause surveys to be made in areas outside the limits of the area comprised in a scheme.

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[1] These words were inserted by s. 5 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[1] [**23A.** (*1*) When an official representation as hereinafter mentioned has been made to the Board and the Board have been satisfied as to the truth of such representation and of the sufficiency of their resources, but have decided for reasons to be recorded by them that it is inexpedient forthwith to proceed to make a scheme for the improvement of the area indicated in such representation, and when an official reference as hereinafter mentioned is made to Government complaining of such decision, Government shall take such reference into consideration and, if they consider that it is expedient under all the circumstances that a scheme for the improvement of such area should forthwith be made, shall direct the Board forthwith to proceed to make such a scheme and the Board shall comply with such direction. Government on official reference to direct Board to make an improvement scheme,

(*2*) When an official representation as hereinafter mentioned has been made to the Board and the Board have failed for a period of twelve months after the receipt of such representation to pass any decision thereon, and when an official reference, as hereinafter mentioned, is made to Government complaining of such failure, Government shall take such reference into consideration and, if they consider that the Board ought under all the circumstances to have passed a decision on such representation within that period, shall fix such further time as may appear to Government reasonable within which the Board shall pass a decision thereon and shall direct the Board to pass a decision thereon within that time and the Board shall comply with such direction.] or to pass decision on official representation.

24. (*1*) An official representation for the purposes of this Act shall mean a representation made to the Board by the Commissioner. Official representation to be made by the Commissioner.

(*2*) Such representation may be made by the Commissioner of his own motion, and shall be made by the Commissioner—

(*a*) on a resolution being passed by the Corporation in that behalf ;

(*b*) on the written complaint of the Municipal Executive Health Officer ;

(*c*) on the written complaint signed by three or more Justices residing within the ward comprising the area in respect of which the complaint is made ;

(*d*) on the written complaint signed by twelve or more persons liable to pay any property tax leviable under the Municipal Act and residing within the ward comprising the area in respect of which the complaint is made.

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[1] Section 23A was inserted by s. 6 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

Definition of official reference.

[1][**24A.**(*1*) An official reference for the purposes of this Act shall mean a reference made to Government by the Commissioner.

(*2*) Such reference may be made by the Commissioner of his own motion, and shall be made by the Commissioner on a resolution being passed by the Corporation in that behalf.]

Particulars to be provided for in an improvement scheme.

25. The improvement scheme, which may exclude any part of the area in respect of which an official representation is made, or include any neighbouring land, if the Board are of opinion that such exclusion or inclusion is expedient,—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or effected by the execution of the scheme,

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining and lighting streets so formed or altered;

(*2*) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Board may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required; and

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Considerations which shall prevail in making the scheme.

26. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement or street schemes being required for the neighbouring and other parts of the City.

Procedure on completion of the scheme.

27. (*1*) Upon the completion of an improvement scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying

[1] Section 24A was inserted by s. 7 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

the land proposed to be acquired, may be seen at all reasonable hours; and shall—

(*a*) communicate a copy of such notification to the President of the Corporation, who shall, within [1] [three months] from the date of receipt thereof, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme; Copy of notification of the scheme to be communicated to the President of the Corporation.

(*b*) during three consecutive weeks publish simultaneously in the Bombay Government Gazette and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification. Publication of notification.

(2) During the thirty days next following the first day on which such notification is published, the Board shall serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice. Service of notices on owners of property to be acquired in executing the scheme.

(3) Such notice shall be signed by, or by the order of, the Chairman, and shall be served— Notices how to be served.

(*a*) by delivery of the same personally to the person required to be served or, if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or

(*b*) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(*c*) by post addressed to the usual or last known place of abode or business of such person.

[2] [**27A.** If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 27, and if the owner of such land shall prove to the satisfaction Right of owner to demand acquisition on issue of

[1] These words were substituted for the words "thirty days" by s. 8 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Section 27A was inserted by s. 9 *ibid.*

notification when building operations are in progress.

of the Collector that at the date of the said notification building operations were in progress on such land or on any part thereof and the building was structurally complete up to the first floor level, the Collector shall proceed forthwith with the acquisition of such land or such part thereof, as the case may be, with a view to its transference to the Board as if a declaration had been made under section 6 of the [1] Land Acquisition Act, 1894.] I of 1894.

Right of owner to demand acquisition or withdrawal by the Board after the lapse of one year from the date of the notification.

[2] [**27B.** (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 27 may, at any time before the publication of a declaration under section 29 and after the expiry of one year from the date of such notification by written notice setting out the particulars of such land, call upon the Board to acquire such land.

(*2*) On receipt of such notice the Board shall either decide to acquire the land set out in the notice or shall give written notice to the owner that they have withdrawn from the proposal to acquire, as the case may be.

(*3*) If the Board decide to acquire the land they shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the [1] Land Acquisition Act, 1894. I of 1894.

(*4*) If the Board withdraw from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 27 until the expiry of two years from the date of the issue of written notice to the owner.]

The Board after publication and service of notices to forward the scheme to Government for sanction.

28. (*1*) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme the Board shall, after consideration of any representation or answer received under section 27, and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

Particulars to accompany the application for sanction.

(*2*) The application for sanction shall, save in the case provided for in sub-section (*3*), be accompanied by—

(*a*) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

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[1] General Acts, Vol. IV.

[2] Section 27B was inserted by s. 9 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(*c*) a statement specifying the land proposed to be acquired ;

(*d*) any representation received under sub-section (*1*) of section 27 ;

(*e*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*2*) of section 27 dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land ;

(*f*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 27, of all land specified in the statement under clause (*c*) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

Procedure when the scheme provides for the construction of dwellings for the poorer and working classes.

(*3*) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of section 27, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 29 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

On receipt of sanction, declaration to be published giving particulars of land to be acquired, and on publication of such declaration the Board to proceed to execute the scheme.

29. (*1*) (*a*) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the Bombay Government Gazette and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

The Board to have power to alter any part of the scheme.

(*2*) (*a*) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by a greater sum than Rs. 5,000 the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under section 28 (*2*) (*f*), the provisions of sections 27 and 28 and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

Street Schemes.

The Board to have power to make a street scheme.

30. Whenever the Board is of opinion that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter existing streets in any part of the City, the Board may pass a resolution to that effect, and shall forthwith proceed to make a street scheme for such area as may seem expedient to the Board.

Particulars to be provided for in a street scheme.

31. The street scheme—

(*1*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme;

(*b*) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*c*) the draining and lighting of streets so formed or altered;

[1][(*2*) may, within the limits aforesaid, provide for—

(*a*) raising any land vested in or to be acquired by the Board which the Board may deem expedient to raise for the better drainage of the locality;

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme, or of any area occupied by buildings constructed under sub-section (*3*) of this section; and]

(*3*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes

[1] Sub-section (*2*) of s. 31 was substituted by s. 4 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Procedure on the completion of a scheme.

32. Upon completion of a street scheme the provisions of sections 27, [1][27A, 27B,] 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Deferred Street Schemes. [2]

The Board to have power to make a deferred street scheme.

[2] [**32A.** (*1*) (*a*) Whenever the Board are of opinion that it is expedient for any purpose mentioned in section 30 to provide for the ultimate widening of any street by altering the existing line or lines of such street to an improved line or lines to be prescribed by the Board, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved line or through which the proposed improved line would pass, the Board, if satisfied of the sufficiency of their resources, may pass a resolution to that effect, and shall forthwith proceed to make a scheme to be called a 'deferred street scheme' prescribing a line on each side of such street.

(*b*) The line so prescribed shall be called the improved line of the street.

(*c*) No person shall construct any portion of any building within the improved line of the street except with the written permission of the Board.

(*d*) The Commissioner shall, on receipt of any notice under section 337 or section 342 of the Municipal Act, in respect of any property lying within the limits of a deferred street scheme, forthwith give intimation thereof to the Board.

Particulars to be provided for in a deferred street scheme.

(*2*) The deferred street scheme shall provide for—

(*a*) the acquisition of the whole or any part of any property lying within the improved line or through which the improved line passes;

(*b*) the re-laying out of all or any such property including the construction and reconstruction of buildings and the formation and alteration of the street;

(*c*) the draining and lighting of the street so formed and altered.

(*3*) Upon completion of a deferred street scheme the provisions of sections 27, 28 and, subject to the special provisions hereinafter set out, section 29, shall with all necessary modifications be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

[1] The expression "27A, 27B," was inserted by s. 10 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] This heading and section 32A were inserted by *ibid.*

(*d*) The execution of a deferred street scheme shall be subject to the following special provisions:—

(*a*) Before proceeding to acquire any property within the limits of the scheme the Board, unless they have received intimation under clause (*c*), shall give six months' notice to the owner of their intention to acquire the property, and the provisions of section 49 (2) shall apply to the said property after the date of the said notice as if the notification under section 27 had been published on the said date.

(*b*) In such case the owner shall be entitled to receive, in addition to any compensation to which he may be otherwise entitled under this Act, a sum of fifteen *per centum* on the market value of the property at the date of the expiration of the period mentioned in clause (*a*).

(*c*) The owner of any property included in a deferred street scheme may at any time after the scheme has been sanctioned by Government give the Board intimation requiring them to acquire such property before the expiration of six months from the date of such intimation, and the Board shall acquire such property accordingly.

(*d*) Upon the scheme being sanctioned by Government and notwithstanding anything contained in the City of Bombay Municipal Act, 1888, the Commissioner shall not have power to prescribe a regular line of the street within the limits of the scheme, and any such regular line previously prescribed within such limits shall cease to be the regular line of the street notwithstanding anything in the last-mentioned Act contained.] Bom. Act III of 1888.

Poorer Classes Accommodation Schemes. [1]

Application by employer for Poorer Classes Accommodation Scheme.

[1] [**32B.** (*1*) Any person employing members of the poorer classes in the course of his business may make an application to the Board stating that he wishes to provide poorer classes' dwellings for the use of all or some of such members and desiring the Board to make a scheme for such purpose. Such person shall hereinafter be called 'the employers' which term shall include his heirs, executors, administrators, assigns and successors.

The Board may pass a resolution and make a scheme.

(2) The Board on consideration of the said application, if they are of opinion that it is expedient to provide the said poorer classes' dwellings, may pass a resolution to that effect and proceed to make a scheme for that purpose.

[1] This heading and sections 32B to 32I were inserted by s. 11 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

(3) The poorer classes accommodation scheme shall provide for— Particulars to be provided for in the scheme.

(*a*) the construction of poorer classes' dwellings—

(*i*) by the Board,

(*ii*) by the employer under the supervision of the Board and in accordance with plans and specifications prepared by the Board, and

(*b*) the letting on lease to the employer of the dwellings so constructed (hereinafter called 'the dwellings').

(4) Such scheme may provide for all matters incidental to the scheme, including the acquisition, raising, lowering or levelling of land required for the execution of the scheme and the construction of accessory dwellings of any description that may be necessary for the purposes of the scheme.]

[1] [**32C**. The poorer classes accommodation scheme may provide for the construction of the dwellings on land— Land on which dwellings may be constructed.

(*a*) acquired by the Board or vesting in the Board either absolutely or for a sufficient number of years, or

(*b*) vesting in the employer either absolutely or for a sufficient number of years:

Provided that the scheme shall not provide for the construction of dwellings on land alleged to vest in the employer until the employer has proved to the satisfaction of the Board that he has such title to the land as shall be good and sufficient for the purposes of the scheme.]

[1] [**32D**. Upon the completion of a poorer classes accommodation scheme, the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.] Procedure on completion of scheme.

[1] [**32E**. When such scheme provides for the construction of dwellings upon lands forming part of any of the lands specified in Schedule C or Schedule D, Government or the Corporation, as the case may be, shall, on the scheme being sanctioned, forthwith resume the land. The Board shall thereupon pay in cash to Government or to the Corporation, as the case may be, a sum equal to the market value of the land as determined by the Collector under the [2] Land Acquisition Act, 1894; and such sum shall be deemed to be part of the cost of the scheme to the Board. The land shall thereupon vest in the Board.] Procedure when dwellings are to be constructed on Schedule C or D land.

I of 1894.

[1] *See* footnote 1 on p. 34, *supra*.

[2] General Acts, Vol. IV.

Deposit and notice.

[1] [**32F.** (*1*) The construction of the dwellings shall not be commenced—

(*a*) where the land vests in or has been acquired by the Board, until the employer has deposited with the Board as security a sum equal to twenty per cent. of the estimated cost of the scheme;

(*b*) where the land vests in the employer, until the employer has submitted to the Board a proposal in writing that the land shall be transferred to the Board for the purpose of a poorer classes accommodation scheme and until the Board shall have served a notice in writing upon the employer signifying their acceptance of such proposal; provided further that if in the opinion of the Board the value of the land falls short of twenty per cent. of the estimated cost of the scheme, the shortage shall be made good by a deposit in cash or securities.

(*2*) On the service upon the employer of the notice referred to in sub-section (*1*), clause (*b*), all the estate, right, title and interest of the employer in and to the land referred to in the proposal shall forthwith vest in the Board.

(*3*) The employer shall be entitled to the gradual refund of his deposit by annual payments equal to the annual Sinking Fund Charges on all moneys spent by the Board on the scheme, which shall be calculated in the manner described in sub-section (*2*) of section 32G.]

Term of lease and amount of rent.

[1] [**32G.** (*1*) The Board shall then proceed with the scheme and on completion of the buildings shall lease the same with the site to the employer for a term [2] [not less than 28 years and not more than 50 years as may be agreed upon by the Board and the employer].

(*2*) The lessee shall during the said term pay to the Board as annual rent a sum equal to the total of—

(*a*) the annual interest payable by the Board on all moneys which they have spent on the scheme, and

(*b*) Sinking Fund Charges so calculated that at the end of the term of the lease the aggregate in the Sinking Fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(*i*) all moneys spent on Interest and Sinking Fund Charges up to the date of the commencement of the lease,

(*ii*) if and so far as the land included in the scheme has not been provided by the employer, the cost of such land,

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[1] *See* foot-note 1 on page 34 *supra*.

[2] These words were substituted for the words "of 28 years" by s. 3 of the City of Bombay Municipal and Improvement (Amendment) Act, 1920 (Bom. Act 20 of 1920), Vol. V of this Code.

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.

(*3*) The cost of such land for the purposes of this section shall be deemed to be—

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition ;

(*b*) if and so far as the land is vested in the Board as being part of the lands specified in Schedule C or Schedule D, the sum paid by the Board under [1][section 32E] ;

(*c*) in all other cases the market value of the land at the date of the declaration of the scheme.]

[2][**32H.** (*1*) Every lease under a poorer-classes accommodation scheme shall commence from such date subsequent to the completion of the dwellings as may be fixed by the Board. Provisions as to lease.

(*2*) The following conditions shall be expressed or implied in every lease, namely :—

(*a*) that the lessee shall be liable for repairs and insurance ;

(*b*) that the lessee shall be liable for the payment of all rates and taxes ;

(*c*) that the lessee shall sub-let the dwellings (except such portions thereof as contain shops, care-takers' quarters and the like) only to persons employed by him in the course of his business or their families except in so far as there may not be sufficient numbers of such persons willing to occupy the dwellings and in any case only to members of the poorer classes ;

(*d*) that the lessee shall not demand or receive in respect of any room or tenement in the dwellings any rent in excess of the amount fixed as next hereinafter provided ;

(*e*) that the maximum rent of each room or tenement in the dwellings (except such portions thereof as contain shops and the like as hereinbefore set out) shall be fixed by the Board after consulting the lessee and that such maximum rent shall be written or painted up by the lessee in a conspicuous position in each such room or tenement. Such maximum rent shall not be subject to alteration save with the consent of the Board.]

[2][**32I.** (*1*) (*a*) On default being made by the lessee in any of the conditions of the lease, all the right, title and interest of the employer to the Default and determination of lease.

[1] This word, figures and letter were substituted for the word, figures and letter "section 32C" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[2] *See* foot-note 1 on page 34, *supra*.

dwellings and in and to the land on which the dwellings are constructed and any deposit or other moneys paid by the employer to the Board whether before or after the commencement of the lease shall be dealt with in the following manner:—

(*i*) The deposit by the employer shall be credited to the Board, and

(*ii*) The Board shall put the said right, title and interest of the employer to auction.

(*b*) The Board shall then have the option either of transferring the right, title and interest to the highest bidder at the auction or of themselves taking over the right, title and interest on payment to the employer of the highest sum bid at the auction.

(*c*) If no sum is bid at the auction but some person is willing to take over the right, title and interest, on receiving payment of any sum, the Board shall have the option either of making such payment and transferring the right, title and interest to that person or of themselves taking it over. The Board shall be entitled to recover the sum in question from the defaulting lessee for non-fulfilment of the contract.

(*d*) If no sum is bid at the auction but some person is willing to take over the right, title and interest without either paying or receiving payment of any sum, the Board shall have the option either of transferring the right, title and interest to that person or of themselves taking it over without either receipt or payment of any sum.

(*2*) Where no default is made in the conditions of the lease, then on the determination of the lease all the right, title and interest of the Board in and to the dwellings and in and to the land on which the dwellings are constructed shall vest in the employer free from all liabilities created by this Act.]

Reclamation Schemes.

The Board to have power to make a reclamation scheme.

33. Whenever the Board is of opinion that it is expedient for the purposes of this Act to reclaim any area within the limits specified in Schedule E, the Board may pass a resolution that it is expedient to reclaim such area as aforesaid, and shall forthwith forward a map showing the area proposed to be reclaimed to Government [1] * * * *, who shall determine, with reference to the site of any battery and the arcs of fire of the guns thereof, the limits within which no building shall be erected within such area.

[1] The words "for transmission to the Government of India" were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

Upon receipt of the orders of [1] [Government] the Board shall proceed to make a reclamation scheme, which shall conform with such orders, in respect of such area.

Particulars to be provided for in a reclamation scheme.

34. (*1*) The reclamation scheme shall provide for—

(*a*) enclosing and filling in such part of the foreshore as shall be necessary to reclaim the area comprised in the scheme ;

(*b*) laying out all or any land reclaimed within the area, including the formation of streets ;

(*c*) draining and lighting streets so formed ;

(*d*) the whole or any part of the sanitary arrangements required.

(*2*) If in respect of any reclamation at Colaba any part of the area is situate to the west of any land in military occupation, particulars of the scheme shall be submitted to Government, who shall determine—

(*a*) what, if any, portion of the area to be reclaimed will be required to be taken possession of for a military purpose under the provisions of section 61 (*3*) ;

(*b*) with reference to the sanitary requirements of the troops, the conditions on which buildings may be erected on any part of the said area,

and the scheme shall conform with such orders.

Procedure on completion of a scheme.

35. Upon the completion of a reclamation scheme the Board shall draw up a notification stating the fact of a scheme having been made, the limits of the areas comprised therein, and naming a place where particulars of the scheme (including full estimates of the cost and anticipated profits) and a map of the area comprised therein, may be seen at all reasonable hours, and shall—

Copy of notification of the scheme to be communicated to the President of the Corporation.

(*1*) communicate a copy of such notification to the President of the Corporation, who shall, within [2] [three months] from the date of receipt thereof, forward to the Board for transmission to Government as hereinafter provided any representation which the Corporation may think fit to make with regard to the scheme ;

Publication of notification.

(*2*) during three consecutive weeks publish a copy of the said notification in the Bombay Government Gazette.

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[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] These words were substituted for the words "thirty days" by s. 12 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

The Board after publication to forward the scheme to Government for sanction.

36. (*1*) Upon compliance with the provisions of the last preceding section, the Board shall, after consideration of any representation received under the said section, and after inserting in the scheme such modifications not at variance with the orders received under sections 33 and 34 as they may think fit, apply to Government for sanction to the scheme.

(*2*) The application for sanction shall be accompanied by—

(*a*) a description with full particulars of the scheme, including the reasons for any modifications inserted therein ;

(*b*) complete plans and estimates of the cost of executing the scheme ;

(*c*) full estimates of the anticipated profits of the scheme ;

(*d*) any representations received under section 35.

(*3*) On receipt of the sanction of Government the Board shall proceed to execute the scheme.

Government not liable for loss due to enforcement of any order issued under section 33 or 34.

37. No person shall be entitled to any compensation from, and no suit for compensation shall lie against, [1] * * * * Government in respect of any loss or damage to the interest, immediate or prospective, of any person, due to the enforcement of any order or prohibition issued under section 33 or 34.

Police Accommodation Schemes.

The Board to have power to make a Police accommodation scheme.

38. (*1*) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall forthwith proceed to make a Police accommodation scheme.

Particulars to be provided for in a Police accommodation scheme.

(*2*) The Police accommodation scheme may provide for constructing dwellings and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on the completion of a scheme.

39. Upon completion of a Police accommodation scheme, the provisions of sections 27, 28 and 29 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

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[1] The words " either the Government of India or " were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[1] [**40.** (*1*) When such scheme is sanctioned by Government, in the case of land specified in Schedule C or Schedule D or land reclaimed within the limits specified in Schedule E, Government or the Corporation, as the case may be, shall resume the land. Vesting land in Board.

In the case of land specified in Schedule C or land reclaimed within the limits specified in Schedule E the land shall thereupon vest in the Board.

In the case of land specified in Schedule D the Board shall pay to the Corporation the market value of the land as on the date of resumption as aforesaid, as determined by the Collector under the [2]Land Acquisition Act, 1894. The land shall thereupon vest in the Board.

I of 1894.

(*2*) The Board shall then proceed to execute the Police Accommodation Scheme. Execution of Scheme.

(*3*) Any building constructed under this section shall with the site be leased to Government for police purposes on a repairing lease for a term of sixty years from the date of the completion of the building, and Government shall during the period of such lease pay yearly to the Board by way of rent a sum equal to the total of— Terms of lease to Government.

(*a*) the annual interest payable by the Board on all moneys which they have spent on the scheme, and

(*b*) Sinking Fund Charges so calculated that at the end of the term of the lease the aggregate in the Sinking Fund shall amount to the total sum spent on the scheme.

Such total sum shall include—

(*i*) all moneys spent on Interest and Sinking Fund Charges up to the date of the commencement of the lease;

(*ii*) if and so far as the land included in the scheme is not part of the land specified in Schedule C or reclaimed within the limits specified in Schedule E, the cost of such land;

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.

(*4*) The cost of such land for the purposes of this section shall be deemed to be— "The cost of land" defined.

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition,

(*b*) if and so far as the land is vested in the Board as being part of the lands specified in Schedule D, the sum paid by the Board to the Corporation under sub-section (*1*),

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[1] Section 40 was substituted by s. 13 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. IV.

(*c*) in all other cases, the market value of the land at the date of the declaration of the scheme.

Land finally to vest in His Majesty.

(5) On the expiration of the lease the building and the land forming the site thereof shall vest absolutely in His Majesty.]

Vesting of Streets, etc. [1]

Municipal street required for scheme and vacant Municipal land required for street to be vested in the Board.

[1][**41.** (*1*) Whenever under any scheme of the Board the whole or any part of an existing public street vested in the Corporation is required for the purpose of such scheme, or whenever the whole or any part of any vacant land vested in the Corporation is required to be included in the site of any street to be formed or altered by the Board under such scheme, the Board shall give notice to the Commissioner, which notice shall be signed by the Chairman and put up in or near so much of such existing street or vacant land as is required by the Board, that the whole or a part, as the case may be, of such existing street or vacant land (hereinafter called the "part required") is required by them as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (2) of section 45, be vested in the Board free of all rights and encumbrances: Provided that nothing in this section contained shall be deemed to affect the rights or powers of any Municipal authority, under Chapters IX and X respectively of the [2]Municipal Act, in or over any Municipal drain or water-work: Bom. Act III of 1888.

Provided further that—

(*i*) the Board shall not take over the part required until three months have elapsed after the publication on or near the part required of a notice to the effect that the said part is required by the Board and until the objections, if any, made in writing to the proposal and received before the date prescribed in this behalf in the notice have been considered;

(*ii*) unless the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, the Board shall provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the part required and shall pay such compensation for loss of or damage to any private rights occasioned by the closing of the part required as may appear reasonable after taking into consideration such other means of access, and shall pass a resolution in such behalf and communicate it to the party concerned.

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[1] This heading and section 41 were substituted for the original heading and section by s. 14 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] Vol. III of this Code.

(2) If any question or dispute arises between the Board and any person entitled to use the part required otherwise than as a mere licensee as to whether the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, or whether the other means of access substituted, or proposed to be substituted, or whether the compensation paid or proposed to be paid, by the Board under the provisos to sub-section (1) are reasonably sufficient, it shall be determined by the Collector: Questions arising under the provisos to sub-section (1) to be determined by the Collector.

Provided that such question or dispute shall be referred to the Collector for determination within three months of the communication of the resolution of the Board, upon which such question or dispute has arisen. Otherwise the decision embodied in such resolution of the Board shall be final.

(3) An appeal shall lie from any determination of the Collector under this section to the Tribunal constituted under section 48.]

[1] [**41A.** In respect of any such part required which is or forms part of land acquired by the Corporation subsequently to the 9th November, 1898, under the provisions of section 298 of the [2] Municipal Act, the Board shall pay to the Corporation the actual cost incurred by the Corporation in acquiring such land, or such portion thereof as shall bear to the whole actual cost so incurred the same proportion that the area of the part required bears to the whole area of the land so acquired.] Cost of acquiring such land when to be repaid to the Corporation.

Bom. Act III of 1888.

42. The provisions of sections 289 to 329 (both inclusive) of the [2] Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the several Municipal authorities referred to in any of the said sections of the said Act shall respectively mean the Board who, in respect of any streets or parts of streets so vested, may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any Municipal authority either with or without the sanction, authority or approval of any other Municipal authority. The expression "Municipal officer or servant" occurring in any of the said sections of the said Act shall mean officer or servant of the Board. The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities in regard to public and private streets.

Bom. Act III of 1888.

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[1] Section 41A was inserted by s. 5 of the City of Bombay Improvement (Amendment) Act, 1901 (Bom. Act 4 of 1901) *infra*.

[2] Vol. III of this Code.

Powers and liability of the Board as to gas pipes in land vested in the Board.

43. The provisions of section 334 of the [1]Municipal Act shall, so far as may be consistent with the tenour of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may respectively remain so vested, and, for the purposes of this Act, the expression "Commissioner" occurring in the said section of the Municipal Act shall mean the Board, who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the said Act, have been exercised or performed by the Commissioner; and the expression "Municipal fund" shall mean the funds of the Board. Bom. Act III of 1888.

The Board may, in respect of land vested in the Board, exercise certain powers conferred upon Municipal authorities by the Bombay Tramways Act, 1874.

44. The provisions of sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 of the [2]Bombay Tramways Act, 1874, shall, so far as may be consistent with the tenour of this Act, apply to public streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and, for the purposes of this Act, the expressions "Municipal Commissioner," "Commissioner" and "Corporation" occurring in any of the said sections of the said Act shall mean respectively the Board, and the expressions "Executive Engineer of the said Corporation" and "Executive Engineer" shall mean respectively the Engineer of the Board. Bom. Act III of 1874.

Minimum width of new streets.

45. (*1*) No new street, if made for carriage traffic, shall be less than 40 feet in width, nor, if made for foot traffic only, shall be less than 20 feet in width:

Proviso in case of garden or open spaces being reserved on one or both sides of a street.

Provided that where in an improvement or street or reclamation scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street on such terms as to preclude such space being built over when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

Streets on completion to vest in and be maintained by the Corporation.

(*2*) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the lighting thereof and should be provided by the

[1] Vol. III of this Code.
[2] Vol. II of this Code.

Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the Corporation, and the Corporation shall thenceforward maintain, keep in repair, light and cleanse such street.

[1][(*2A*) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Board may enter into an agreement with the Commissioner or any other person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this Act.] Service passages.

(*3*) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any scheme sanctioned under this chapter shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereupon vest in the Corporation: Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space. Open spaces reserved for ventilation to vest in and be maintained by the Corporation.

(*4*) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by Government, whose decision shall be final. Disputes under this section to be determined by Government.

Acquisition of Land.

46. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land needed by the Board for the purposes of this Act, or with the owners of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land, or for compensating the owners of any such right in respect or any deprivation thereof or interference therewith. The Board to have power to acquire land by agreement.

of 1894. **47.** Notwithstanding anything contained in the [2]Land Acquisition Act, 1894 (in this and the next succeeding section referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

[1] Sub-section (*2A*) was inserted by s. 15 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] General Acts, Vol. IV.

of this chapter in the same manner as if enacted in the body hereof, subject to the provisions of this chapter and to the provisions following (namely) :—

(*1*) A reference to any section of the said Act shall be deemed to be a reference to such section, as modified by the provisions of this chapter, and the expression "land," as used in the said Act, shall, in addition to the meaning included therein under clause (*a*) of section 3 of the said Act, be deemed, for the purposes of this Act, to include rights created by legislative enactment over any street ; [1] [and clause (*b*) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons," and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land"] ;

(*2*) in the construction of sub-section (*2*) of section 4 of the said Act and the provisions of this chapter, the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under section [2][23, 30, 32B, or 38], and the expression "Local Government" shall be deemed to include the Board, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution ;

(*3*) In the construction of the sections of the said Act deemed to form part of this chapter and the provisions of this chapter, the publication of a declaration under section [3][29, 32, 32D or 39] shall be deemed to be the publication of a declaration under section 6 of the said Act :

[4][Provided that where land is acquired under section 27A or sub-section (*2*) of section 27B the date of the notification

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[1] These words were substituted for the words "and clause (*b*) of section 3 of the said Act shall, for the purposes of this Act, be read as if the words 'or if he is the owner of any right created by legislative enactment over any street forming part of the land' were added after the words 'affecting the land'" by s. 2 of the City of Bombay Improvement (Amendment) Act, 1908 (Bom. Act 2 of 1908), *infra*.

[2] This expression was substituted for the original expression "25, 30 or 38" by s. 16 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[3] This expression was substituted for the original expression "29, 32 or 39" by *ibid.*

[4] This proviso was added to sub-section (*3*) by *ibid.*

under section 27 or the date of the receipt by the Board of the written notice as the case may be shall be deemed to be the date of publication of a declaration under section 6 of the said Act :]

[1][Provided further that the provisions of sub-section (2) of section 23 of the said Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of sections 23 and 30, is acquired specifically under this Act for the purpose either of a police accommodation scheme or of a poorer classes accommodation scheme.]

(4) In the construction of section 50, sub-section (2), of the said Act and the provisions of this chapter the Board shall be deemed to be the local authority or company concerned.

A Tribunal of Appeal to be appointed to perform the functions of the Court.

48. (1) For the purposes of this chapter a Tribunal of Appeal (hereinafter called the Tribunal) shall be constituted as hereinafter mentioned to perform the functions of the Court under the said Act, and, in the construction of the said Act and the provisions of this chapter, the Tribunal shall be deemed to be the Court, and the award of the Tribunal, or, in the event of disagreement, the award of the majority of the Tribunal, shall be deemed to be the award of the Court, and shall, subject to the provisions for appeal hereinafter contained, be final, and the President of the Tribunal shall be deemed to be the Judge.

[2][(2) The decision of all questions of law and procedure and costs and apportionment of compensation shall rest solely with the President; and any such question may be tried and decided in the absence of the assessors if in the opinion of the President their presence is unnecessary; and when any such question is so tried and decided the decision of the President shall be deemed to be the decision of the Tribunal.]

Constitution of the Tribunal.

(3) Such Tribunal shall consist of three members, that is to say, of a President and two assessors. The President and one of the assessors shall be appointed by Government by notification in the Bombay Government Gazette; the other assessor shall be appointed by the Corporation: Provided that any person who is a Trustee under this Act, or, who, by reason of the provisions of

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[1] This proviso was added to sub-section (3) by s. 16 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), Vol. V of this Code.

[2] This sub-section was substituted by s. 17 *ibid.*

section 14, is disqualified to be a Trustee, shall be disqualified to be a member of the Tribunal.

Selection of President.

[1] [(*4*) The President shall be either –

(*a*) a member of the Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing, who shall have served as District Judge, or held judicial office not inferior to that of a First Class Subordinate Judge, for at least three years of that period ; or

(*b*) a Barrister, Advocate or Pleader of not less than eight years' standing who has practised as an Advocate or Pleader in the Bombay High Court.]

Duration of office.

(*5*) Members of the Tribunal shall be appointed for a term of one year and any such member shall be eligible for re-appointment.

Removal of members.

(*6*) It shall be lawful for Government, if they think fit, to remove for inability, or misbehaviour, or other good and sufficient cause, any member of the Tribunal.

Vacancies to be supplied.

(*7*) Upon the occurrence of any vacancy in the Tribunal or during the temporary absence through illness or other unavoidable cause of any member thereof, Government or the Corporation (as the case may be), whichever of them shall have appointed the member of the Tribunal whose place shall be vacated, shall appoint forthwith a fit person to be a member (either temporary or permanent) of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

Remuneration of members.

(*8*) Each member of the Tribunal shall be entitled to such remuneration, either by way of monthly salary or by way of fees, or partly in one way and partly in the other, as Government may from time to time fix.

Expenses of the Tribunal to be paid by the Board.

(*9*) The remuneration mentioned in sub-section (*8*) and the cost of any special clerical or other establishments which shall be necessary shall be paid by the Board.

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[1] Sub-section (*4*) was substituted by s. 6 of the City of Bombay Improvement (Amendment) Act, 1901 (Bom. Act 4 of 1901) *infra*.

(*10*) Any award or order of the Tribunal shall be enforced by the Small Cause Court as if it had been a decree or order of that Court. Enforcement of the decision of the Tribunal.

(*11*) In any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from the award or any part of the award of the Tribunal. Appeal to the High Court from the decision of the Tribunal in certain cases.

(*12*) Subject to the sanction of Government, the President of the Tribunal shall have power— Power of President to make appointments and rules with the sanction of Government.

(*a*) to appoint such clerks and other officers or servants as may be necessary for carrying on the business of the Tribunal and to fix their salaries, which shall be paid accordingly by the Board; and

(*b*) to make rules for the conduct of the business of the Tribunal, provided that such rules are not repugnant to the provisions of the [1]Code of Civil Procedure; and such rules shall come into force on receiving the sanction of Government.

V of 1908.

[2][(*13*) The Tribunal shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means and (so far as may be) in the same manner, as is provided in case of a Civil Court under the [1]Code of Civil Procedure.] Powers of the Tribunal

V of 1908.

49. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:— Special provisions as to compensation.

(*1*) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;

(*2*) When any addition to, or improvement of, the land or building has been made after the date of the publication under section 27, 32, or 39 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said

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[1] General Acts, Vol. VI.

[2] Sub-section (*13*) was added by s. 17 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building;

(*3*) In estimating the market value of the building at the date of the publication of a declaration relating thereto under section 29, 32, or 39, the Court shall have due regard to the nature and the condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of sub-sections (*4*), (*5*) and (*6*) of this section;

(*4*) When the owner of the land or building has, after the passing of this Act, and within twenty-four months preceding the date of the publication of a notification relating to the land or building under section 27, 32, or 39, made a return under section 155 of the [1]Municipal Act of the rent of the land or building, the rent of the land or building shall not in any such case, save as the Court may otherwise direct, be deemed to be greater than the rent shown in the latest return so made:- Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under section 27, 32, or 39, relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement;

Bom. Act III of 1888.

(*5*) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

(*6*) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair;

[1] Vol. III of this Code.

(7) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials, less the costs of demolition.

Collector to take possession after making award and transfer land to the Board.

[1] [**50**. When the Collector has made an award under section 11 of the I of 1894. [2]Land Acquisition Act, 1894, as applied by this chapter, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Board, and the land shall thereupon vest in the Board subject to the Board's liability to pay any further costs which may be incurred on account of the acquisition of the land.]

Resumption of lands from the Board.

Compensation to Board on land resumed.

[3] [**51**. Whenever any land specified in Schedule C or Schedule D is resumed by Government or the Corporation, respectively, or any land reclaimed within the limits specified in Schedule E is taken possession of by Government, under the provisions of this Act, the market value of the land as at the date of resumption, as determined by the Collector, or, in appeal, by the Tribunal, shall be paid to the Board by Government or by the Corporation as the case may be.]

Definition of term 'Cost of Reclamation'.

[4] [**51A**. For the purposes of the last preceding section the 'cost of effecting the reclamation' shall be deemed to mean the total cost of executing the scheme in which the area is comprised, including the cost of preliminary expenses and an allowance for supervision and interest and sinking fund charges during construction, which shall be calculated up to the date of the completion of the scheme.]

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[1] Section 50 was substituted by s. 3 of the City of Bombay Improvement (Amendment) Act, 1908 (Bom. Act 2 of 1908), *infra*.

[2] General Acts, Vol. IV.

[3] Section 51 was substituted by s. 18 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[4] Section 51A was inserted by s. 19 *ibid.*

CHAPTER IV.

BORROWING POWERS.

Power to borrow from the Secretary of State for India in Council or other persons.

52. The Board may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the previous sanction of [1] [Government] from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, inclusive of any debit balance which shall be chargeable to Capital under section 79 :

[2] [Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of flotation, of such loan have been approved by the Government of India.]

Government to direct manner in which money shall be borrowed from other persons.

53. Whenever the sanction of [1] [Government] has been obtained to the raising of money by the Board from any person other than the Secretary of State for India in Council [3] * * *, Government shall [4] [subject to the provisions of the last preceding section,] direct and appoint the manner in which [5] [and the time at which] such money shall be raised.

54. [*Interest on debenture loans to form charge prior to interest due to the Secretary of State or Corporation.*] *Rep. by s. 21, Bom. Act I of 1913.*

Provision for sinking fund to repay money borrowed.

55. (*1*) The Board shall either pay off the money borrowed under the provisions of the preceding sections by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned.

(*2*) In respect of any sinking funds which by this Act the Board is directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board is empowered to invest in the like securities, it shall be lawful for the Board to reserve and set apart for the purposes

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[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] This proviso was added by *ibid.*

[3] The words "under the last preceding section" were omitted by *ibid.*

[4] These words were substituted for the words "with the previous consent of the Government of India" by *ibid.*

[5] These words were inserted by s. 20 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

of any such investment any debentures to be issued on account of any loan for which the sanction of [1][Government] shall have been duly obtained under section 52, provided that the intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(3) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(4) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

Dates fixed for investment of sinking funds in public securities.

56. The investment every year or every half-year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established; and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

Period over which loans may extend.

57. Except with the previous sanction of [1][Government],—

(1) the period for the repayment of any loan shall not exceed sixty years, and.

(2) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

Form of securities.

58. (1) When money is raised by the Board on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

(2) The holder of any debenture in the form of Schedule B, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

(3) Every debenture issued by the Board shall be transferable,—

(a) if it is in the form of Schedule B, by endorsement, and

(b) if it is in any other form, in such manner as shall be therein expressed.

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[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

(*4*) The right to sue in respect of the moneys secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Payment to survivors of joint payees.

[1][**58A.** (*1*) Notwithstanding anything in section 45 of the [2]Indian Contract Act, 1872, when any debenture or security issued under the provisions of this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons. IX of 1872.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.]

Power of one or more joint holders to grant receipts.

[1][**58B.** Notwithstanding anything in section 45 of the [2]Indian Contract Act, 1872, where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of those persons.] IX of 1872.

The Board to have power to take advances from Banks to the extent of any loan sanctioned by Government and to grant mortgages.

59. Notwithstanding anything contained in section 52, the Board may take from any Bank credit on a cash account to be opened and kept with such Bank in the name of the Board to the extent of any loan sanctioned under section 52, and may, with the sanction of Government, grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with the interest thereon.

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[1] Sections 58A and 58B were inserted by s. 22 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. II.

CHAPTER V.

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

60. (*1*) Immediately upon the date, which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained—

Particulars of lands vested in the Board.

All the estate, right, title and interest of Her Majesty and of the Corporation respectively in and to the several lands respectively specified in Schedule C and Schedule D and shown on the deposited plans, subject, in the case of the lands specified as plot 12 in Schedule C, to the right therein reserved of temporary occupation by Government, and in the case of the lands specified as plot 18 in the said Schedule, to the right of Government therein reserved to remove the materials of certain buildings.

The Flats.

[1][(*2*) [2][(*a*) In respect of the lands referred to as the Flats, specified in Schedule C, as plots 1(*a*), 1(*b*), 1(*c*) and 1(*d*), the Board shall, subject to the power of resumption reserved by sub-section (*7*), set apart plot 1 (*a*) as an open space and may at any time lay out the said plot as a recreation ground or park for the free use of the public; and may, subject to the aforesaid power of resumption, at any time lay out the whole or any part or parts of plots 1 (*b*), 1 (*c*) and 1 (*d*) as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.]

(*b*) The lands specified as plot 1 (*a*) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Board from letting the said land from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(*c*) All the lands specified as plots 1 (*c*) to 1 (*m*), both inclusive, shall vest absolutely in the Board.]

The Kennedy Sea Face.

(*3*) In respect of the lands in Schedule C, referred to as the *Kennedy Sea Face*, the Board shall, for a period of thirty years from the date which shall be notified under section 10, or for such further period during which Government may not have exercised the power of resumption as hereinafter provided, have power at any time—

(*a*) to permanently appropriate the whole or any part of the said lands as an open space, or

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[1] Sub-section (*2*) was substituted by s. 23 of the City of Bmobay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] This clause was substituted by s. 2 of the City of Bombay Improvement (Amendment) Act, 1920 (Bom. Act 11 of 1920), Vol. V of this Code.

(*b*) with the express sanction of Government, to be previously obtained, to appropriate the whole or any part of the said lands to building purposes.

Any part of the said lands, which upon the expiration of the said period of thirty years shall not have been permanently appropriated as an open space or the appropriation whereof shall not have been sanctioned as in the last clause mentioned, may be at any time resumed by Government.

Any part of the said lands may, so long as it remains unappropriated to building purposes, be occupied by Government for any temporary purpose, subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Cooperage Plot, the Secretariat Plot and the Marine Lines Estate.

(*4*) With respect to the lands respectively referred to in Schedule C as the Cooperage Plot [1]*, the Secretariat Plot [2] [and the Marine Lines Estate], the Board shall have power at any time, with the sanction of Government to be previously obtained, to appropriate the whole or any part of the said lands to either of the purposes mentioned in clauses (*a*) and (*b*) of the last preceding sub-section.

Any part of the said lands the appropriation of which shall not have been sanctioned in manner aforesaid may at any time be resumed by Government for any Government purpose ; and

Any part of the said lands which shall not have been appropriated to building purposes may at any time be occupied by Government for any temporary purpose subject to the provisions of any by-laws made by the Board under section 94 (*1*) (*c*).

The Board to maintain and manage lands referred to in sub-sections (*2*), (*3*) and (*4*).

(*5*) The Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (*2*), (*3*) and (*4*), which may from time to time [3][remain unsurrendered, unappropriated to building purposes] or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act; [4]* the Board shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Board may approve.

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[1] The word "and" was omitted by s. 7 of the City of Bombay Improvement Amendment Act, 1901 (Bom. Act 4 of 1901), *infra*.

[2] These words were inserted by *ibid*.

[3] These words were substituted for the words "remain unappropriated" by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[4] The word "and" was reported by *ibid*.

(6) The property vested in the Board under this section shall, subject to the provisions of this section, remain so vested until such time as the whole of the lands specified in Schedules C and D [1] [except those appropriated as open spaces] shall be let on a building lease by the Board, or as to any part thereof until such time as such part shall be so let, and thereafter as to the whole except as aforesaid, or any such part, for a further period, which shall be determined,— Period for which lands shall remain vested in the Board.

(*a*) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease;

(*b*) where the lease granted by the Board contains a clause for the renewal of the lease;

(*i*) when a renewed lease shall have been entered into, upon the expiration of such renewed lease;

(*ii*) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable:

Provided that no unrenewable lease shall be granted for a period of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease, and of the term for which such lease shall be renewed or be expressed to be renewable, exceed 99 years. Proviso as to aggregate term for which such lands may be leased by the Board.

[2] [(*6A*) It shall be lawful for the Board from time to time with the sanction of Government in the case of land specified in Schedule C, and with the sanction of the Corporation in the case of land specified in Schedule D, to take any land out of the said schedules in exchange for any freehold land, the property of the Board, which they wish to bring on to the said Schedules. An exchange made under this section shall operate to transfer the land taken out of the Schedule to the Board free from all conditions of resumption and revesting created by this Act and free from all encumbrances and to vest the land brought on to the Schedule in the Board as if it were part of the property originally entered in Schedule C or Schedule D, as the case may be, to the said Act.] Power of the Board to exchange, and effect of such exchange.

[2] [(*6B*) Without prejudice, and in addition to the powers conferred on the Board by section 63, it shall be lawful for the Board to take over and hold any other lands within the City of Bombay of which they may be, or have previous to the passing of this sub-section been, put in possession by the Power of the Board to hold other lands transferred by Government or the Corporation.

[1] These words were substituted for the words "except those appropriated to the purpose mentioned in clause (*a*) of sub-section (*3*)" by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-sections (6A) and (6B) were inserted by *ibid.*

Secretary of State for India in Council or with the sanction of the Government by the Corporation, to the intent that such lands shall vest in the Board in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council, had originally been included in Schedule C, or, if taken over from the Corporation, had originally been included in Schedule D, and such vesting shall in every such case take effect, or, in the case of lands of which possession has been delivered previous to the passing of this sub-section, shall be deemed to have taken effect, upon delivery to the Board of possession of the land.]

Power of Government and the Corporation to resume lands required for a public purpose.

(7) Any land, other than land leased or agreed to be leased by the Board, specified in Schedule C which shall be required by Government for a public purpose, or specified in Schedule D which shall be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation, as the case may be[1] * * * *.

Power of Government to alter entries in schedules and deposited plans.

[2][(8) Government may, with the concurrence of the Municipality in the case of land specified in Schedule D, by notification in the Bombay Government Gazette from time to time add to or amend the entries in Schedule C or Schedule D so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule C or Schedule D include a notification of the whole schedule or schedules as so altered.]

Particulars of reclamation rights vested in the Board.

61. (*1*) Immediately upon the date which shall be notified under section 10, there shall vest in the Board for the purposes of this Act and subject to the provisions hereinafter contained, the right to reclaim the bed of the sea, the property of Her Majesty, within the limits specified in Schedule E, and all the estate, right, title, and interest of Her Majesty to and in such lands as may be reclaimed by the Board within the said limits until such time as the whole of the lands reclaimed, or as to any part thereof, until such time as such part shall be let on a building lease by the Board and thereafter as to the whole or any such part for a further period which shall be determined in the manner described in section 60 (*6*).

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[1] The words " and the capital debt of the Board shall be reduced by an amount equal to the value of the land as determined under section 61 (*1*) " were repealed by s. 23 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sub-section (*8*) was added by s. 23 *ibid.*

(*2*) If on the expiration of a period of twenty years from the date which shall be notified under section 10, or such further period as [1][Government] may determine, the Board shall have failed to commence the reclamation of any area within the limits specified as aforesaid, the right and property vesting in the Board in respect of such area under this section shall forthwith be divested and shall revest absolutely in Her Majesty. Provision in event of the Board failing to commence reclamation.

(*5*) Any land reclaimed, other than land leased or agreed to be leased by the Board, which shall be required by Government for a public purpose, may at any time, after giving six months' notice to the Board, be taken possession of by, and shall thereupon forthwith vest in Government and Government shall pay to the Board an amount equal to [2][the market value of the land as determined under section 51]: Power of Government to take possession of any reclaimed land required for a public purpose.

[3][Provided that notwithstanding anything contained in this section Government may by arrangement with the Board carry out any reclamation within the limits specified in Schedule E and may make any agreement with the Board regarding the estate, right, title and interest of the land so reclaimed].

[4] **[62.** Upon the determination of the further period mentioned in sections 60 (*6*) and 61 (*1*), respectively, the property vested in the Board under the said sections in any part of the lands specified in Schedule C (except those appropriated as open spaces, and the plots 1 (*e*) to 1 (*m*) of the Flats), and of the lands specified in Schedule D, and of the lands reclaimed within the limits specified in Schedule E, shall be forthwith divested and such part of such lands shall vest or revest absolutely in His Majesty or in the Corporation, as the case may be.] Vesting of property in His Majesty and the Corporation respectively on the termination of leases granted by the Board.

General Powers as to Property.

63. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the City, and shall also, subject to the provisions of this Act, have power— Power to the Board to acquire and hold property.

(*1*) to let on hire, or lease any moveable or immoveable property which may have become vested in or acquired by them ; Power to lease.

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[1] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[2] These words were substituted for the words "the value of the lands as determined under section 51 (*2*) and the liability (if any) of the Board to Government under section 70 in respect of the land shall be remitted" by s. 24 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[3] This proviso was added by s. 24 *ibid.*

[4] Section 62 was substituted by s. 25 *ibid.*

Power to sell.

(2) to sell and otherwise convey any moveable or immoveable property which may have become vested in or acquired by them other than the lands specified in Schedules C and D and any lands reclaimed within the limits specified in Schedule E.

Application of proceeds of sale and exchange of property.

[1] [**64.** (*1*) The following moneys shall be applied either to meet current capital expenditure or in liquidation of the principal sum of any debt contracted by the Board under section 52, if the same or any portion of the same is at the time payable, or by way of addition to the amounts payable in respect of sinking funds under section 55 :—

(*a*) the proceeds of the sale or exchange of, or the compensation awarded under the [2] Land Acquisition Act, 1894, for the acquisition by Government of, any portion of the lands or buildings vested or vesting in the Board under this Act ; 1 of 1894.

(*b*) the proceeds of the sale or exchange of any moveable property of the Board including securities for money which have been purchased by debit to the capital account ;

(*c*) fines or premia levied on granting leases, and sums paid in composition or part composition of rent under leases.

(*2*) All other receipts shall be carried to the credit of the General Account.]

Power to apply certain lands vested in the Board to the purposes of any scheme under this Act.

65. The Board shall have power, subject to the provisions of section 60, to apply any of the lands specified in Schedules C and D or reclaimed within the limits specified in Schedule E for the purposes of any scheme under this Act.

66. [*Adjustment of value of lands so applied. Provision for appeal to the Tribunal.*] *Rep. by s. 27, Bom. Act 1 of 1913.*

Liabilities.

67. [*Particulars of capital debts due by the Board to the Secretary of State and Corporation. Provision for appeal to the Tribunal.*] *Rep. by s. 27, Bom. Act I of 1913.*

68. [*Particulars of the interest payable by the Board.*] *Rep. by s. 27, Bom. Act I of 1913.*

69. [*Capital debt due to Secretary of State to include certain expenditure incurred by Government and the preliminary expenses of the Act.*] *Rep. by s. 27, Bom. Act I of 1913.*

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1 Section 64 was substituted by s. 26 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

2 General Acts, Vol. IV.

70. [*The Board to have free enjoyment of rents and profits from reclaimed areas for first twenty years and thereafter pay interest on market-value minus the cost of reclamation.*] *Rep. by s. 27, Bom. Act I of 1913.*

71. [*Definition of term "market-value" and "cost of reclamation" for purposes of last preceding section.*] *Rep. by s. Bom. 27, Act I of 1913.*

Provision for dissolving the Board and effects of dissolution.

[1] **[71A.** (*1*) When Government are satisfied that there is no longer any necessity for the continuance of the Board of Trustees, they may by notification in the Bombay Government Gazette, with the previous sanction of the Government of India, dissolve the Board from a date to be specified in the notification :

Provided that before making an application to the Government of India under this sub-section, Government shall obtain the opinion of the Corporation on the proposed dissolution of the Board, and, when the said application is made, the opinion of the Corporation shall be forwarded to the Government of India with the application.

(*2*) Thereupon, notwithstanding anything contained in any section of the said Act,—

(*a*) all the right, title and interest of the Board on that date in the lands specified in Schedules C and D and in the lands reclaimed within the limits specified in Schedule E shall vest in the Corporation ;

(*b*) the Corporation shall take over all the assets and liabilities of the Board.]

CHAPTER VI.

Revenue and Expenditure.

Contribution from Municipal Fund.

Amount of payment to be made by the Commissioner to the Board on the first day of May.

[2] **72.** The Commissioner shall pay from the Municipal Fund to the Board on the first day of May, 1913, and every succeeding first day of May a lump sum equal to double the amount of the actual net realizations of the Corporation in the preceding financial year under the head of General Tax or payments made in lieu of General Tax (including arrears and payments in advance)

[1] Section 71A was inserted by s. 27A of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Section 72 was substituted by s. 28 *ibid.*

divided by the rate fixed for the General Tax for the said financial year, provided that no part of any arrears of General Tax for 1911-1912 and previous years shall be taken into account in determining the amount of contribution payable by the Commissioner to the Board.]

73. [*Definition of terms used in this section.* "*The property taxes.*" "*The areas.*" "*Enhancement of rateable value.*" "*Diminution of rateable value*". *Determination of the amount of the payment to be made by the Commissioner to the Board or by the Board to the Commissioner, as the case may be. Adjustment of difference between credit and debits.*] [1] *Rep. by s. 29 (1), Bom. Act I of 1913.*

Payments by Government.

Government to pay to the Board the profits from certain lands realised subsequently to August, 1897.

74. Government shall pay to the Board, for a period of 99 years from the date which shall be notified under section 10, all rents and profits derived by Government from the lands specified or referred to in Schedule F subsequent to the 31st August, 1897.

Division of Accounts.

Cost of management for certain period to be charged to Capital and thereafter apportioned between Capital and Revenue.

75. (*1*) During the period of fifteen years from the date which shall be notified under section 10, or during such extended period as [2][Government] may approve, the cost of management, including the salaries and allowances of the Chairman, Acting Chairman, Trustees and scheduled staff, and the expenses mentioned in section 48 (*9*), and all incidental expenses, shall be charged to Capital.

Thereafter such charges shall be apportioned between Capital and Revenue in such proportion as the Board, subject to the approval of Government shall determine.

Capital account to show expenditure on each scheme and on the improvement of lands specified in Schedule C and in Schedule D and on reclamations separately.

(2) The Capital account shall show the total expenditure (including a proportionate charge for the cost of management) incurred by the Board on each scheme separately, and shall also distinguish between the expenditure incurred on—

(*a*) the improvement of lands vested in the Board and specified in Schedule C;

(*b*) the improvement of lands vested in the Board and specified in Schedule D;

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[1] This repeal shall have effect from 30th November, 1911, *cf.* Bom. Act 1 of 1913, s. 29 (*2*).

[2] This word was substituted for the words "the Government of India" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

(*c*) the reclamation of any areas situate within the limits specified in Schedule E.

76. [*All receipts by the Board to be credited to the General account.*] *Rep. by s. 30 (1), Bom. Act I of 1913.*

77. (*1*) The moneys credited to the General account shall be held by the Board in trust and, except as hereinafter provided, shall be applied by them in payment of the following charges (namely) :— Charges to which moneys credited to the General account shall be applied.

(*a*) all payments for interest and sinking fund charges due under sections 52 to 56 (both inclusive) [1] * * * * ;

(*b*) the cost, if any, of maintaining a separate establishment for the collection of the rents and other proceeds of lands vested or vesting in the Board under this Act;

(*c*) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes ;

(*d*) the amount of the cost of management apportioned to Revenue by the Board as provided by section 75 ; and

(*e*) all payments made by the Board in respect of rates and taxes levied under the [2]Municipal Act upon lands and buildings vested in the Board.

Bom. Act III of 1888.

(*2*) The Board shall have power to advance any sums standing to the credit of the General account to meet current Capital expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced. Power to advance sums standing to the credit of the General account to meet current Capital expenditure.

78. The General account shall distinguish between all items included in the General account according as such items are in respect of— The General account to distinguish between items in respect of lands specified in Schedule C and in Schedule D and reclamations.

(1) lands vested in the Board and specified in Schedule C ;

(2) lands vested in the Board and specified in Schedule D ;

(3) the reclamation of any areas situate within the limits specified in Schedule E ;

(4) other lands and buildings vesting in the Board.

[1] The words and figures "and all payments for interest charges due under sections 68 and 70" were repealed by s. 30 (*2*) of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Vol. III of this Code.

Disposal of Balances.

Credit balances to be applied to meet current Capital expenditure or to the reduction of debt on account of loans.

79. (*1*) Subject to the proviso hereinafter appearing, any credit balance which the General account shall disclose at the end of any year shall be applied in the manner provided under section 64 for the application of the proceeds of sales of land vested or vesting in the Board under this Act.

Debit balances to be charged to Capital.

(*2*) Any debit balance which the General account shall disclose at the end of any year shall be debited to Capital and met by the amount of such debit balance being included in the next loan to be raised under the provisions of sections 52 to 54 (both inclusive), provided that the aggregate of the amounts which may under this section be debited to Capital shall not exceed 15 per centum on the aggregate Capital debt of the Board.

(*3*) [*Proviso as to the division of profits after the tenth year.*] [1]*Rep. by s. 31 (1), Bom. Act I of 1913.*

Guarantee for fulfilment of Liabilities.

Procedure in event of default by Board in payment of interest or investment of sinking fund charges.

[2] [**80.** (*1*) If the Board fail—

(*a*) to pay any interest due in respect of any loan taken in pursuance of section 52,

(*b*) to pay or to set aside and invest any sum as required by section 55,

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under section 55; and the Commissioner shall forthwith pay from the Municipal Fund to the said Accountant General a sum equivalent to the sum so paid or invested by him; and Government may attach the rents and other income of the Board and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [3]Municipal Act, 1888, shall with all necessary modifications be deemed to apply. Bom. Act III of 1888.

(*2*) Whenever the Commissioner has made any payment to the Accountant General under sub-section (*1*) Government shall re-imburse the Corporation out of the rents and income attached under that sub-section, and if such rents and income prove insufficient for the purpose, the Corporation may with the previous sanction of Government levy any such special tax as may be sufficient

[1] This repeal shall have effect from the 31st March 1912, *cf.* s. 31 (*2*) of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] Sections 80, 81 and 82 were substituted by s. 32, *ibid*.

[3] Vol. III of this Code.

to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid. Such special tax shall be in addition to the taxes from time to time leviable under the [1] Municipal Act.]

Bom. Act III of 1888.

[2] [**81.** If the Commissioner fails to make any payment as required by section 72 or section 80, Government may attach the Municipal funds or any tax leviable by the Corporation: and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 of the [1] Municipal Act, 1888, shall with all modifications be deemed to apply and Government may further require the Corporation to levy a special tax as provided in the last preceding section.]

Procedure in case of default by Commissioner.

Bom. Act III of 1888.

[2] [**82.** All moneys paid by the Commissioner under sub-section (*1*) of section 80 and not re-imbursed by the local Government under sub-section (*2*) of that section and all moneys payable under sub-section (*1*) of section 80 and levied under section 81 shall constitute a charge upon the property of the Board.]

Certain sums to be a charge upon the property of the Board.

Annual Estimates.

83. (*1*) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

Chairman to frame an annual estimate of income and expenditure.

(*2*) Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

84. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

The Board to sanction or amend such estimates.

85. The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to Government. A copy of the estimate shall be sent to the President of the Corporation.

Estimates to be submitted to Government for sanction.

[1] Vol. III of this Code.

[2] *See* footnote 2 on page 64, *supra*.

Transitory provision for submission and treatment of first estimates after date of constitution of the Board.

86. A special meeting of the Board shall be held so soon after the date, which shall be notified under section 10, as may be expedient, and the Chairman shall at such special meeting lay before the Board an estimate for such part of the official year as may at the date aforesaid remain unexpired, and such estimate shall thereupon be dealt with in the manner prescribed in the three last preceding sections.

Supplementary estimates may be prepared and submitted when necessary.

87. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government and a copy shall be sent to the President of the Corporation in the same manner as if it were an original annual estimate.

No sum exceeding Rs. 5,000 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

88. (*1*) Save in cases of pressing emergency no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the High Court of Bombay or an award of the Tribunal.

(*2*) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

Accounts to be audited and examined by Government auditors twice in every year.

89. (*1*) The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

Auditors may require production of documents.

(*2*) For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before

them at any such audit and examination, or adjournment thereof and to make and sign a declaration with respect to the same.

(3) The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the Bombay Government Gazette. A copy of the Auditors' report and of the abstract of the accounts shall be sent to the President of the Corporation.

Their remuneration to be fixed by Government.

Their report together with an abstract of the accounts to be published in the Government Gazette.

Banking.[1]

[1][**89A**. All moneys at the credit of the Board which cannot immediately be applied in the manner or to the purposes specified in this Act shall be deposited in such Bank or Banks and subject to such conditions as may from time to time be prescribed by Government: provided that nothing in this section shall be deemed to prohibit an investment in any of the securities specified in section 20 of the [2]Indian Trusts Act, 1882.]

All moneys to be deposited in prescribed Bank.

II of 1882.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

90. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant:

Schedule of the officers and servants and their pay and allowances to be sanctioned by the Board.

Provided always that artisans, porters and labourers, and muccadums of porters and labourers, shall not be deemed to be officers or servants within the

Certain classes not to be deemed

[1] This heading and section 89A were inserted by s. 33 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

[2] General Acts, Vol. III.

officers and servants except for certain purposes.

meaning of this section or of the next succeeding section (except sub-sections (5), (6) and (7) thereof) or section 92.

The Board to frame regulations for:

91. The Board shall from time to time frame regulations—

Regulating grant of leave.

(1) for regulating the grant of leave to the officers and servants of the Board;

Authorizing payment of leave allowances.

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

Determining amount of acting allowances.

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

Regulating period of service.

(4) for regulating the period of service of all such officers and servants;

Determining conditions of grant of allowances.

(5) for determining the conditions under which such officers and servants or any of them, shall on retirement receive gratuities, or compassionate allowances, and the amount of such gratuities, or compassionate allowances:

Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such gratuities, or compassionate allowances as aforesaid;

Authorizing contributions to Provident Fund.

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;

Determining conditions of grant of wound-pensions or compassionate allowances.

(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any such officers and servants injured, or to the surviving relatives of any such officers and servants killed in the execution of their duty.

Powers of Appointments, etc.

Appointments, etc., by whom to be made.

92. (1) Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under section 90, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board shall be exercised

by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board.

(2) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

Orders affecting pay, etc., of certain officers to be subject to the sanction of Government.

93. (1) Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to the Secretary or Engineer, or Chief Accountant of the Board, be subject to the previous sanction of Government.

"Engineer" defined.

(2) In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board.

CHAPTER VIII.

By-laws.

The Board empowered to make by-laws.

94. (1) The Board may from time to time make by-laws—

(a) for regulating the delegation of the powers and duties of the Board to committees;

(b) for the guidance of persons employed by them under this Act;

(c) for the [1] management and use of the lands vested in the Board under section 60 (2), (3) and (4);

(d) for fixing the maximum amount of fees payable to any Trustee under section 17;

(e) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(f) generally for carrying out the purposes of this Act.

(2) The Board may also from time to time vary, alter or revoke any such by-laws to be made by them.

Approval and publication of by-laws.

95. (1) No by-law or alteration or revocation of a by-law shall have effect until the same shall have been approved by Government, and such

[1] For by-laws issued under s. 94 (c), *see* Bombay Government Gazette, 1900, Part I, p. 2466.

approval shall have been [1] published in the Bombay Government Gazette; and no by-law or alteration or revocation of a by-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

(2) It shall be lawful for Government at any time by notification in the said Gazette to cancel any by-law or regulation made and published under the provisions of this and of the last two preceding sections.

Penalties for infringement of by-laws.

96. The Board may, in the by-laws made under section 94, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

By-laws to be exhibited.

97. The Board shall cause the said by-laws to be printed in the English, Marathi and Gujarati languages, and to be hung up at convenient places.

CHAPTER IX.

PENALTIES.

For being interested in contracts with the Board.

98. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the [2] Indian Penal Code: XLV of 1860.

Provided that nothing in this section shall apply to a person who is declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by sub-section (2) of section 14.

For obtaining illegal gratification.

99. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2] Indian Penal Code, who shall accept XLV of 1860. or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions,

[1] For by-laws issued under s. 95, *see* Bombay Government Gazette, 1900, Part I, page 2466.

[2] General Acts, Vol. I.

favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the [1] Indian Penal Code in the case of the like offence committed by a public servant.

XLV of 1860.

100. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 89 (*2*), shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

For refusing or neglecting to appear before an auditor of accounts, etc.

101. All offences against this Act or against any by-law made under section 94 shall be cognizable by a Presidency Magistrate.

Cognizance of offences against this Act.

All fines and damages recovered from any offender shall be paid to the Board.

CHAPTER X.

MISCELLANEOUS.

102. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday, or public holiday.

Provision when day appointed for any purpose is a Sunday or public holiday.

103. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Measurement of distances.

104. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

Limitation of suits.

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[1] General Acts, Vol. I.

SCHEDULE A.

(SEE SECTION 47.)

Portions of the [1] *Land Acquisition Act, 1894, regulating the acquisition of lands under this Act.* I of 1894.

PART I.—Preliminary, except clauses (*d*), (*e*) and (*f*) of section 3.

PART II.—Acquisition, except sub-section (*1*) of section 4, section 6, and sub-section (*2*) of section 17.

PART III.—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (*6*) and (*7*) of section 24.

PART IV.—Apportionment of Compensation.

PART V.—Payment.

PART VI.—Temporary occupation of land.

PART VII.—Miscellaneous, except section 54.

SCHEDULE B.

(SEE SECTION 58.)

Form of Debenture.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The *18* .

By virtue of Act No. IV of 1898 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The City of Bombay Improvement Act, 1898," we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of rupees paid to us by *A. B.* of , promise to pay to the said , or order, the said sum of rupees after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of .

Given under our common seal this day of 189 .

Common Seal.

(Signatures of the Chairman and two Trustees.)

[1] General Acts, Vol. IV.

SCHEDULE C.

Showing Lands the property of Her Majesty's vested in the Board.

(SEE SECTION 60.)

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			[1] THE FLATS. (*Deposited Plan A.*)	Sq. yds.	Rs. a. p.	
1 (*a*)	...	1/2725	Bounded on the North partly by plot (*k*), partly by land belonging to the B. B. & C. I. Railway Company; on the South by Haines Road; on the East partly by James Greaves Mills and partly by Mr. David Gostling's land; on the West by the Tulsi Pipe Road.	77,719	...	
(*b*)	...	3400 and 3401	Bounded on North by Clerk Road; on the South partly by plot (*d*) and partly by Municipal land; on the East by the old main drain and on the West by plot (*d*).	164,560	...	
(*c*)	...	C/3413	Bounded on the North by Clerk Road; on the South and East by Municipal land and on the West by the old main drain. (Excepting 2,133 square yards forming part to the approach road to the Katchra Sidings running North to South across the plot.)	20,515	...	
(*d*)	...	3389	Bounded on the North partly by Clerk Road and partly by Municipal land; on the South by the properties of Nowroji Jehangirji Gamadia Chhabildas Lallubhai, Nanabhai Ganpatrao Shrikrishna and Ramlal Vasudeo and	219,352	...	

[1] This entry was substituted for the original entry relating to plot I, *the Flats*, by s. 34 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act 1 of 1913), Vol. V of this Code.

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			Narayan Vasudeo, Narayan Dadaji, the Trustees of the Victoria Memorial School for the Blind; Byramji Jijibhoy, C.S.I., Awabai, widow and Executrix of Ferdunji Framji Colah, Sir D. M. Petit; Bai Nawazbai, wife of Ranjibhoy, Maneckji Menbattiwala, Munchersha Ranjibhoy Menbattiwala; Bai Putalibai, wife of Munchersha Ranjibhoy Menbattiwala; Rustamji Ranjibhoy Menbattiwala and the Alliance Spinning and Weaving Company, Limited; on the East partly by plot (*b*) and partly by Municipal land; and on the West by the properties of the Municipal Corporation, Nowroji Jehangirji Gamadia, Chhabildas Lallubhai, Nanabhai Ganpatrao Shrikrishna and Ramlal and Narayan Vasudeo, Narayan Dadaji, the Trustees of the Victoria Memorial School for the Blind, Byramji Jijibhoy, C.S.I., Awabai, widow and Executrix of Ferdunji Framji Colah, Sir D. M. Petit, Nawazbai, wife of Ranjibhoy Maneckji Menbattiwala, Rustomji Ranjibhoy Menbattiwala; Munchersha Ranjibhoy Menbattiwala and Putalibai, his wife, and the Alliance Spinning and Weaving Company, Limited.			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
(*e*)	...	3034	Bounded on the North by the Worli Road; on the South by the Worli Low Level Channel; on the East by the Century Mills; and on the West partly by the sluice drain and partly by the Worli Low Level Channel.	7,967·34	9,970 6 9	
(*f*)	...	3014	Bounded on the North partly by the property of Radhabai, widow of Jagannath Hiraji, partly by that of Purshottam Madhoji and partly by that of Shanwar Balu Gun Vaity; on the South by a public passage; on the East by the Worli Low Level Channel; and on the West by the properties of Purshottam Madhoji Ratanji Jamsetji Tata, Shanwar Balu Gun Vaity, Dadaji Habaji, Vinayak Govind, Pedru and Bastiao Dooming Kinny and Harischandra Mukundji Dhuru.	3,203·12	2,402 5 5	
(*g*)	...	3115	Bounded on the North by the properties of Shivram Harischandra, Ratanbai, widow of Sorabji Jijibhoy, Doongaji Bheraji and Waman and Khushal Sadashiv; on the South by the properties of Doongaji Bheraji, Damodar Lakhamidas Mills Company and Waman and Khushal Sadashiv; on the East partly by the Worli Low Level Channel and partly by the	30,014·34	18,758 15 4	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			property of Waman and Khushal Sadashiv; and on the West by the properties of Ruttonbai, widow of Sorabji Jijibhoy, Balkrishna Arjunji, Jagannath Cookji, Waman and Khushal Sadashiv, Doongaji Bheraji, Keroba Janardan Mantri and Damodar Lakhmidas Mills Company.			
(*h*)	...	2768	Bounded on the North partly by a footpath and partly by the properties of Balkrishna Vithoba and Bhaskar Pandurang, Narayan and Purshottam Wasudevji; on the South by the Municipal land; on the East partly by the properties of Dadaji Ramji, Bhauram Raghoba, Tribhuwandas Mangaldas Nathubhai, Balkrishna Vithoba, Bhaskar Pandurang, Narayan and Purshottam Wasudevji, and Damodhar Bhaskar Mantri, partly by a footpath and partly by the properties of Kaikhusru Muncherji Hiramanek and Raghoba Harischandraji; and on the West by the Worli Low Level Channel.	62,109·06	38,818 2 7	
(*i*)	...	2767	Bounded on the North by Municipal land; on the South and West by plot (*m*); and on the East by the properties of Balkrishna Vithoba and Narayan Madhawarao Dange.	6,981	4,363 1 10	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. Yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
(*j*)	...	1/3411	Bounded on the North-East by the property of Fazalbhai Bhojabhai Allarakhia; on the South-East by the B., B. & C. I. Railway; on the South-West by Municipal land; and on the North-West by the Arthur Road.	5,681	14,202 8 0	
(*k*)	...	5/2728	Bounded on the North by B., B. & C. I. Railway premises; on the South and East by plot (*a*); and on the West by the Tulsi Pipe Road.	10,179	33,081 12 0	
			Southern portion.			
1 (*l*)	...	6-7-8/2728	Bounded on the North partly by the property of Peroo Mahamad, Bai Rahat, wife of Hansraj Lalji, Ratanji Vasta and Jiwan Sunderji and partly by that of Multani Chuttomal Jethanand; on the South by the Municipal land; on the East by the Tulsi Pipe Road; and on the West partly by Government vacant land and partly by the property of Radhabai, widow of Shantaram Narayan.	8,036	26,117 0 0	
			Eastern portion.			
(*m*)	...	3142	Bounded on the North partly by Municipal land, partly by plot (*i*), and partly by the property of Dadaji Habaji; on the South by	...	...	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plan.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd.			
			the property of Radhabai, widow of Shantaram Narayan: on the East partly by plot (*i*), partly by the properties of Murarji Narottam, Ranchoddas Vithaldas, Dadaji Habaji, and Peroo Mahamad, Bai Rahat, wife of Hansraj Lalji, Ratanji Vasta and Jiwan Sunderji; and on the West by the Worli Low Level Channel.			
			Western portion.			
			Bounded on the North by the properties of Janardan Govindji Mantri, Cursondas Dharamsey, Abdullabhai Lalji and Mahamadbhai Hasanalli; on the South partly by the properties of Cursondas Dharamsey, Janardan Govindji Mantri, Cursondas Dharamsey, Abdullabhai Lalji and partly by the Worli Low Level Channel; on the East by the Worli Low Level Channel; and on the West partly by the properties of Edward Sassoon Mills, Cursondas Dharamsey, Janardan Govindji Mantri, partly by a water passage, partly by the properties of Abdullabhai Lalji, Dadoba Ramchandra and Mahomedali Husseinali and partly by the Haines Road.			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			THE FLATS—*contd.*	Sq. yds.	Rs. a. p.	
			(*Deposited Plan A*)—contd. *Southern portion.*			
			Bounded on the North by Worli Low Level Channel; on the South and East by Municipal property; and on the West by Haines Road.	60,091·07	60,091 1 1	
1 (*n*)	...	3378	Bounded on the North and West by the Municipal Storm Water Reservoir; on the South partly by Clerk Road, partly by Municipal land and partly by the Junction Road; and on the East by the Worli Low Level Channel beyond which is the Haines Road.	737,435	...	Average value for purposes of section 67 save in respect of any portion of this area now used as a ride and foot-path, and so long as it continues to be so used—(*a*) in event of appropriation as open space, Rs. 5 per sq. yard; (*b*) in event of appropriation to building purposes, Rs. 10 per sq. yd.
			The Kennedy Sea Face.			
			(*Deposited Plan B.*)			
2	...	8426	(*a*) Bounded on the *north* by the road leading to the Charni Road level-crossing; on the *south* by the northern boundary of Church Gate Street Station; on the *east* by the Bombay, Baroda and Central India Railway, and on the *west* by the Sea.	335,212	...	
			(*b*) Bounded on *north* by the south side of Church Gate Street; on the *south* by the west slope of the south approach to the Wodehouse bridge; on the *east* by the Bombay, Baroda and Central India Railway, and on the *west* by the Sea.	83,821	...	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			The Cooperage Plot. (*Deposited Plan C.*)	Sq. yds.	Rs. a. p.	
3	....	9563	Bounded on the *north* by the Bandstand Circle; on the *south* by Wodehouse Road; on the *east* by a line drawn in prolongation southwards of the west side of Mayo Road; and on the *west* by the Queen's Parade Road.	66,178	...	Average value for purposes of section 67, Rs. 10 per square yard.
			The Secretariat Plot. (*Deposited Plan C.*)			
4	...	8434	Bounded on the *north* by the Elphinstone College and New Secretariat; on the *south* and *west* by the Mayo Road; and on the *east* by Hornby Road.	17,700	...	Do. do., Rs. 25 per square yard.
			The Marine Lines Estate. (*Deposited Plan D.*)			
5	...	8452, 8453	Bounded on the *north* partly by the south side of the compound of Government Bungalow No. 41 and partly by the south boundary of Plot "C" reserved for Military purposes by Government Resolution No. 2 C.W.-4, dated 3rd January, 1881; on the *south* by Church Gate Street; on the *east* by the Esplanade and Mayo Roads; and on the *west* by the Marine Lines Road (Marine Street).	122,163	12,21,630 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Wellington Lines Plot.			
			(*Deposited Plan C.*)			
6	...	9562 9563	Bounded on the *north* by Mayo Road; on the *south* by Wodehouse Road; on the *east* by Hornby Road; and on the *west* by a line drawn in prolongation southwards of the west side of Mayo Road, being the east boundary of the plot described under item 3 of this Schedule.	42,394	4,23,940 0 0	
			The Wodehouse Road Plot.			
			(*Deposited Plan C.*)			
7	...	9561	Lying between the Wodehouse Road and the Colaba Causeway Roads and extending from the junction of these roads on the *north* to the boundaries of the Bombay and Baroda Railway and G. I. P. sidings and the Tramway Company's premises on the *south*, but *excluding* the site occupied by the Elphinstone College Students' quarters and *excluding* the site occupied by the Wesleyan Methodist Church, Personage and School.	54,726½	5,47,265 0 0	
			The Cotton Green Plot.			
			(*Deposited Plan C.*)			
8	...	9561	The triangular plot bounded on the *north* by the Bombay and Baroda Railway premises; on the *south* by private land; and on the *east* by the Colaba Causeway.	13,105	1,31,050 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Saluting Battery Plot. (*Deposited Plan C*)			
9	...	...	Bounded on the *north* by the Appollo Bandar Road; on the *south* by Lansdowne Road; on the *east* by Battery Street; and on the *west* by the Colaba Causeway.	5,600	2,80,000 0 0	
			The Crescent Site. (*Deposited Plan C.*)			
10	...	8433	The semicircular plot opposite the Sailors' Home and Elphinstone College, bounded on the *north* by Rampart Row.	31,957	7,98,925 0 0	
			The Plot south of Old Town Barracks. (*Deposited Plan D.*)			
11	...	9309	Bounded on the *north* by the Town Barracks occupied as Commissariat and Pay Offices; on the *south* and *east* by Mint Road; and on the *west* by Bazar Gate Street.	2,166	64,980 0 0	
			The Hornby Road Plot. (*Deposited Plan E.*)			
12	...	8463, 8464	Lying between Waudby and Hornby Roads and extending from the junction of those roads; on the *north* opposite the Victoria Terminus to the junction of the Esplanade and Hornby Roads; on the *south* opposite the Frere Fountain, but *excluding* areas already leased and the sites occupied by— The John Connon High School,			

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
			The Hornby Road Plot—contd.	Sq. yds.	Rs. a. p.	
			(*Deposited Plan E*)—contd.			
			The Frere Fletcher School, Alexandra Native Girls' English Institution, The Telegraph Signallers' Quarters,			
			The Cathedral Boys' High School,			
			Do. do Girls' High School,			
			Do. do. Chaplains' Quarters.			
			For Gratuitous Dispensary, and *including* the site of the Government Mews and Engineer's Stores, subject to the right of Government to the unrestricted use of those premises pending their removal at the cost of the Board to another site to be approved of by Government —the plot vested in the Board comprising—			
			Vacant areas ...	71,051	14,21,020 0 0	
			The Triangular Plot south of Crawford Market:			
			(*Deposited Plan D.*)			
13	...	8474	Bounded on the *south* by the Crawford Market; on the *east* by Palton Road; and on the *west* by Hornby Road.	9,569	1,91,380 0 0	

SCHEDULE C—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Dispensary Plot. (*Deposited Plan D.*)			
14	...	8478	Bounded on the *north* by the Jaffer Suleman Dispensary ; on the *south* by Salvation Army premises ; on the *east* by the G. I. P. Railway ; and on the *west* by Hornby Road.	1,642	33,840 0 0	
			The plot north of Municipal Office. (*Deposited Plan D.*)			
15	...	8473	Bounded on the *north* by a public road ; on the *south* by a private road ; on the *east* by Hornby Road ; and on the *west* by land leased to the Corporation.	6,600	1,98,000 0 0	
			The Chaupati Estate. (*Deposited Plan F.*)			
16	...	7298	(1) Bounded on the *north* partly by a public passage leading to Gibb's Road and partly by private properties (Survey Nos. 7299 - 7302); on the *south* partly by the Queen's Road, partly by the plot reserved for Body Guard Lines and partly by the Sirri Road ; on the *east* by the Gamdevi Road ; and on the *west* by an irregular line extending from where the public passage forming the north boundary meets the Gibb's Road to the Sirri Road:—			
			(*a*) Land forming the Hill slope.	52,675	...	
			(*b*) Building land ..	82,473	8,24,730 0 0	

SCHEDULE C—*concld.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Value, Amount.	Remarks.
1	2	3	4	5	6	7
				Sq. yds.	Rs. a. p.	
			The Chaupati Estate—contd.			
			(*Deposited Plan F*)—contd.			
		7306	(2) Bounded on the *north* by private property; on the *south* by the Chaupati Road; and *east* and *west* by private property.	7,150	71,500 0 0	
			The Police Lines Plot, Dadar. (*Deposited Plan G.*)			
17	...	1262 1A-4 1263	Bounded on the *north* and *east* by private lands; on the *south* by the Dadar Road; and the *west* by the G. I. P. Railway. (*Deposited Plan H.*)	5,234	52,340 0 0	
18	...	2486 2487 37 8 101 61 50	The Parel Estate ... ... Subject to the right of Government to remove the materials of the buildings forming the Body Guard Lines and the Bandsmen's Quarters, provided such right is exercised within 12 months from the date which shall be notified under section 10.	330,469	9,91,407 0 0	
			Total Amount Rs. ...	...	*72,52,007 0 0	

* *Note.*—In view of the entries 1 (*a*) to 1 (*n*) substituted by s. 34 of the City of Bombay Improvement (Amendment) Act, 1913 (Bom. Act I of 1913), the correct total is 74,59,211-7-0.

SCHEDULE D.

(SEE SECTION 60.)

Showing lands the property of the Corporation vested in the Board.

No. of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			THE CONNAUGHT ROAD ESTATE. (*Deposited Plan I.*) *Ward E.*	Sq. yds.	Sq. yds.	Rs.	Rs.
1	...	...	Plot bounded on the *north* by vacant land, on the *south* by Sussex Road, on the *east* by private property and on the *west* by the Parel Road—				
			Plots A, B and C	1,169	...	10,521	...
			Plots E, F, G and H.	1,528	...	7 640	...
			Area reserved for road.	1.296	...	6,480	...
			Plots I, K, L and M.	2,817	...	14,085	...
B	...	...	Plot marked B	10,002	...	50,010	...
2	...	...	Plot bounded on the *north* by Sussex Road, on the *south* by lands sold to private persons fronting the Connaught Road, on the *east* by land sold to Mr. Tyebally Mahomedally and on the *west* by plots sold to private persons fronting the Parel Road—				
			Plots Nos. 6 to 16 inclusive.	4,263	...	25,578	...
3	...	...	Plot bounded on the *north* by vacant land, on the *south* by the Connaught Road, on the *east* by the Ghurapdeo Road, and on the *west* by the Sussex Road—				
			Plots Nos. 19 to 40 inclusive	15,752	...	78,760	...
			Total, Connaught Road Estate.		36,827		1,93,074

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown ● on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			THE AGRIPADA ESTATE. (*Deposited Plans J. and K.*) *Ward D.*	Sq. yds.	sq. yds.	Rs.	Rs.
4	3880 (1)	3410	Arthur Road ...	7,750	...	25,188	...
5	3879	3409	Do. ...	6,996	...	17,490	...
6	4257 (5)	1/3510		2,752	...	6,880	...
7	7203 to 7206	1/3455		8,975	...	26,925	...
		1/3456					
8	4544, 4547	3483		2,468	...	9,255	...
	4548, 4264						
9	4520, 4535	1 A/3484		2,306	...	13,000	...
	4543, 4263						
10	4567	3485		17,740	...	62,090	...
11	4268	1/3481		1 740	...	6,090	...
		1A. 1B. 1C. 1D./3485	Agripada				
	4257 (2)	1A. R. 1 A C. 4/3486					
12	4352, 4353			10,560	...	44,893	...
	4270	1A to 1F./3487					
		1-2 3-5/3528					
13	4097 to 4099	1/3506		*57,708	...	1,73,124	...
		1-3/3527 3525					
14	4430 (1)	1-2 3 & 5/3529		*245,107	...	7,35,321	...
		1/3505					
15	4457-59	1/3533	Ripon Road ...	19,297	...	69,469	...
16	4066-67	1 c/3508	Arthur Road ...	*7,704	...	27,966	...
17	4072-74	1/3531	Ripon Road ...	5,908	...	17,724	...
18	4566	2 A/3487 1/3486	Haines Road ...	6,393	...	27,170	...
		4/3482					
C	...	...	Agripada ...	2,690	..	5,380	....
D	...	...	DeLisle Road ...	5,196	...	24,072	...
E	...	...	Arthur Road ...	*1,525	...	6,100	...
			Total, Agripada Estate.		41,281		12,98,137

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA (*Deposited Plan L.*) *Ward F.*				
19	7804	809					
	7781	P 16 / 926		*3,558	...	3,558	...
	P / 7780	P 17 / 926					
	P / 7779	P 18 / 926					
	P / 7778	P 19 / 926					
20	P / 7797	P 2 / 927					
	P / 7773	P 1 / 924		*3,791	...	5,687	...
	P / 7772	P 2 / 924					
	P / 7767	P 6 / 924					
21	7770	4 A / 924					
22	7800	W 1 / 928	New Dadar-Matunga Road.	*48	...	5,465	...
23		W 1 / 928		*313	...		
24	P / 769, P / 7784(1)	P 81 P 13 / 95 96		95	...		
25	7782, P / 7783	P 14 W 15 / 626		*1,256	...		
26	7769	W 4 / 924		*858	...		
27	7768	W 5 / 924		*652	...		
28	7730	W 53 / 925		*411	...		
29	7733, 7735	W 51 & 55 / 925		*800	...		
	P / 7700	W 1, 2 / 925		*110	...		
30	P / 7735	W 51 A / 25		*761	...		
31	7736	W / 925		*777	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
32	7731	W 54 / 925		*145	...		
33	P / 7729	P 80 / 925		*853	...		
34	7707	P 80 / 925		167	...		
35	P / 7707	P 80 / 925		*238	...		
36	7728	W 80 A / 925		153	...		
37	P / 7725	P 79 / 925		47	...		
38	*Nil*	925		*560	...		
39	7430	W 4 / 862		*22	...		
40	7429	W 5 / 862		*285	...		
41	7417, 7422	W 1 & 2 A / 863		475	...		
42	7399	W 3 / 871	New Dadar-Matunga Road.	683	...	12,279	...
43	7405	W 1 / 869		*384	...		
44	7406	W 2 / 869		*299	...		
45	7412	W 1 / 866		*2,798	...		
46	7404	W 1 / 870		*265	...		
47	7402	W 3 / 870		*266	...		
48	7407	W 5 / 870		*591	...		
49	7403	W 2 / 870		*530	...		
50	7408	W 4 / 870		651	...		
51	P / 7131	P 1 / 872		*6,766	...		
52	7030	872		*395	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
53	7031,7032	P 1& 2 W 872		*6,342	...	22,504	...
	7037	W 9 877					
54	7389	W 1 A 874		*3,139	...		
	7390	W 1 873					
	7391	W 2 873					
55	.....	W 3 873		86	...		
56	7045	W 1 877		95	...		
57	7042	W 4 877		*53	...		
58	7044	W 2 877		*1,098	...		
59	7043	W 3 877		*1,788	...	15,356	...
60	7049	W 1 906		*4,119	...		
61	7050	W 2 906					
62	7051, 7056	W 1 & 2 905	New Dadar-Matunga Road.	*2,084	...		
63	7054	W 7 905		357	...		
64	7055, 7052	W 3, 4 & 5 905		*2,491	...		
65	P 6835	P 4 1109		*21,542	...		
66	7130	W 4 1111		371	...		
67	7131	W 6 1111		476	...		
68	P 7121, 7122	P 1 W 2 1114		*2,162	...	54,334	...
69	7289	W 1 1143		*503	...		
70	7162	W 1 1173		*109	...		
71	7161	W 2 1173		108	...		
72	7163	W 1172		*2,185	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value. Amount.	Value. Total Amount.
1	2	3	4	5	6	7	8
			LANDS AT MATUNGA —*contd.* *Ward F*— contd.	Sq. yds.	Sq. yds.	Rs.	Rs.
73	6824	1238		*183	...		
74	P 6823	P 1, W2 1238 1237		*6,161	...		
75	6825	W 1 1239		961	...		
76	6783	W 7 1242		415	...		
77	6789	W 2 1242		*3,453	...		
	6818, 6819	W 3, W4 1236		*8,877	...	13,423	...
78	P 6791	P 1 1235		*847	...		
79	6794, 6797	W 2, W 5 1233		*1,118	...		
80	6799	W 7 1233		*1,035	...		
81	P 6449, 6450	P 2 1195		*762	...	6,564	...
82	6635	7 1206		*391	...		
83	6636 to 6639	W 2, 3, 4, 5 1206	New Dadar-Matunga Road.				
84	P 6814	P 2 1232		*2,948	...	5,159	...
	6813	W 3 1232					
	6624	W 1 1209					
	P 6623	P 2 120					
	P 6634	P 7 A 1206					
	6633	8 1206					
	6452	1 1195					
85	6640, 6632	W 19 1206		*1,156	...	1,445	...
86	P 6454	P 1 1194		*1,066	...	2,665	...
87	P 797 (2) 829 (2), 830 & 798	P 1 2089		*2,823	...	24,344	...
88	6591	10 1213		*3,363	...		

SCHEDULE D—*contd.*

Consecutive Number of Plot corresp nding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	*Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs
			LANDS AT MATUNGA —*contd.* *Ward F*—contd				
89	765	P 1 / 2080		*12,175	...	23,233	...
	766	W 2 / 2080			...		
90	766	P 3 / 2080		...	...		
91	768	P 1 / 2024		*4,420	...		
92	P / 775 (1)	P 1 / 2026		*1,123	...	1,123	...
93	P / 775 (2)	P 1 A / 2026		8,376	...	4,188	...
	743 (1)	P 1 / 2031					
	743 (3A)						
	744	A / 2030					
94				*1,367	...	16,094	...
95							
96	P	P 1		*948	...		
97	742	2035					
98			New Dadar-Matunga Road.	*813	...		
99	P / 742	P 2 / 2035		*1,204	...	5,418	...
100	P / 667	P 1 / 2036		*717	...	2,151	...
101	6800	12 / 1232		606	...	1,142	...
102	6802	W 10 / 1232		536	...		
103	7109	W 6 / 1119		679	...	610	...
104	7112	W 2 / 1717		388	...		
105	778	2 / 2027		*500	...	500	...
106	777	1 / 2027		*610	...	610	...
107	776, 779	3-4 / 2027		*2,114	...	2,114	...
108	769	2 / 2028		*767	...	767	...
109	770	1 / 2028		*3,325	...	3,325	...

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
110	7401, 7400	5, 1-2 / 871		*5,737	...	5,737	...
	7423 to 7428	4, 5, 6, 7, 8, 9 / 863					
	7422	2 A / 863					
111	7327	2 / 1130		1,331	...	799	...
112	7249	5 / 1151		*8,950	...	6,713	...
	7241, 7243	6 / 1152, 4 / 1152					
	7251	3 / 1151					
	7137-38	4-5 / 1174					
	7288 (1-2), 7287, 1164	2-3 / 1143					
113	7288 (1), 7165, 7167	2 / 1143, 2-4 / 1171		*3,627	...	2,720	...
114	7111, 7113	1-3 / 1117	New Dadar-Matunga Road.	3,723	...	2,234	...
	7118	2 / 1116					
115	7236, 6767	2 / 1153, 1 / 1243		6,712	...	5,034	...
	6684, 6683	3 / 1454, 3 / 1254					
	6741, 6784	5 / 1247, 6 / 1242					
	6678, 6762	4 / 1255, 5 / 1213					
	7319	2 / 1132					
116	7244, 7239	3 / 1152, 5 / 1153		*5,415	...	4,066	...
	6795-96, 6798	3, 4, 6 / 1233					
	6820, 6743	4 / 1237, 3 / 1247					
	6675-76	6-7 / 1255 & 1-5 / 1241					
	6778, 6782						

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
117	7318	1/1132		3,804	...	2,282	...
118	7409	868		2,187	...	2,187	...
119	7119, 7116	1-4/1116, 4/1117		2,197	...	1,098	...
	7114						
120	6816	1/1236		*2,283	...	1,641	...
121	7325, 7323	4/1130, 1/1131		3,436	...	2,062	...
122	7107	2/1119		1,037	...	777	...
123	6803 (1)	Western portion of 7-A/1232		309	...	232	...
124	6801	11/1232		559	...	419	...
125	6821, 6579	3/1237, 1/1233		2,240	...	1,680	...
	6792	& 1/1234					
126	7125, 7126	1-2/1112 and western portion of 1-2/1110	New Dadar-Matunga Road.	*3,732	...	2,799	...
127	7804	1/808		*529	...	396	...
128	7242, 7254	5/1152, 5/1150		6,982	...	5,234	...
	7172, 6783	1/1169, 7/1242					
	7269	1/1148					
	7166 (1)						
	7127 (2)	3/1171					
129	7160 (2)	Western part of 1111 and northern part of 3/1173		*9,818	...	6,873	...
130	7115, 7108	5/1116, 1/1119		3,984	...	2,988	...
	7106, 7104	5/1119, 3/1119					

SCHEDULE D—*contd.*

Consecutive Number of Plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*contd.* *Ward F*—contd.				
131	7179 (1)	$\frac{3}{1167}$		*3023	...	2,267	...
132	7326, 7324	$\frac{3}{1130}$, $\frac{2}{1131}$		3,593	...	2,694	...
133	6642 (1) 6641	The whole of the north portion of $\frac{1a}{1201}$, up to $\frac{1}{1205}$, $\frac{1a}{1204}$		*3,710	...	2,783	...
134	6793	$\frac{2}{1234}$		*323	...	262	...
135	7771	$\frac{3}{924}$		660	...	660	...
136	7801, 7802	$\frac{2-3}{928}$		*845	...	634	...
137	7053, 7055	$\frac{5-6}{205}$		*2,566	...	2,563	...
138	6817	$\frac{2}{1236}$		*1,855	...	1,391	...
139	6679 (1) 6641 6651, 6652	$\frac{3}{1255}$, $\frac{1}{1205}$ $\frac{2-3}{1199}$ on the east side thereof, also on the side thereof, etc.	New Dadar-Matunga Road.	*3,735	...	...	...
	6643 (1)	1203					
140	7039	$\frac{7}{877}$		*576	...	432	...
141	7040, 7041 7038	$\frac{5, 6}{877}$ & $\frac{8}{877}$		883	...	662	...
142	7182 (2)	1166		*448	...		
143	7179 (1) 7181 7197	$\frac{3}{1167}$ 1153		*1,361	...	1,559	...
144	7194 to 96	$\frac{1, 2, 3}{1164}$		5	...		
145	7173-78	$\frac{1, 2, 3, 4, 5, 6}{1163}$		*265	...		
146	7128	$\frac{5}{810}$		1,113	...	389	...

SCHEDULE D—*concld.*

Consecutive Number of plot corresponding to the Number shown on the Deposited Plans.	Ward Number.	Survey Number.	Locality and Description of Plot.	Area.	Total Area.	Value.	
						Amount.	Total Amount.
1	2	3	4	5	6	7	8
				Sq. yds.	Sq. yds.	Rs.	Rs.
			LANDS AT MATUNGA —*concld.*				
			Ward F—concld.				
147	7147, 7849	11/813, 8/811 and others.		895	...	313	...
148	7826-37	3-4/810		2,135	...	747	...
149	7924	10/811		451	..	158	...
150	784	6/812	New Dadar-Matunga Road.	562	...	197	...
151	7398, 7329	1/1127, 1/1129		6,829	...	5,122	...
	7330, 7331	2/1129, 3/1129					
	7732	4/1129					
F	.....	.....	Dadar Road ...	8,185	...	7,876	...
G	.....	.....	Matunga ...	13,185	...	9,770	...
H	.....	.....	Lady Jamsetji Road.	7,387	...	14,060	...
			Total Lands at Matunga.	...	2,98,376	...	3,49,348
			GRAND TOTAL ...	...	7,48,018	...	18,40,559

The amounts shown in this Schedule are subject to deduction in respect of the plots marked with an asterisk, portions of which have been appropriated to roads as shown on the Deposited Plans.

SCHEDULE E.

(SEE SECTION 61.)

Showing the limits within which the right to reclaim the bed of the sea vests in the Board.

Colaba.—The foreshore below high water mark extending southwards from a point opposite the foot of the south approach to the Wodehouse Bridge along the west side of Colaba to the extreme limit of Colaba Point.

Walkeshwar and Mahalaxmi.—The western foreshore of the Island below high water mark extending from Worli Fort to Malabár Point.

SCHEDULE F.

(SEE SECTION 74.)

Showing lands included in Schedule C leased by Government between 1st September, 1897, and the date which shall be notified under section 10.

Locality.	Description of Plot.	Area.	Terms of Lease.
		Sq. yds.	
The Hornby Road Plot.	Bounded on the *North* by the John Connon High School; on the *South* and *East* by the Connon Road; and on the *West* by the Esplanade Road.	3,268·33	Ninety-nine years, at a ground rent of one anna per square yard per annum, renewable for a further term of 99 years.
And such other lands as may be leased prior to the date notified under section 10.			

BOMBAY ACT No. I OF 1899.[1]

[*25th May, 1899.*]

An Act further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is enacted as follows:— Bom. Act VI of 1879.

Amendment of section 3 (*12*).

1. In the Bombay Port Trust Act, 1879, which is hereinafter referred to as the said Act, for clause (*12*) of section 3 there shall be substituted the following, namely: Bom. Act VI of 1879.

[Vol. II of this Code.]

Amendment of section 13.

2. In the said Act the first two paragraphs of section 13 shall be numbered as sub-sections (*1*) and (*2*), and the following shall be added:

[Vol. II of this Code.]

Amendment of section 14.

3. For section 14 of the said Act the following shall be substituted, namely:

[Vol. II of this Code.]

Insertion of new sections after section 14.

4. After section 14 of the said Act the following sections shall be inserted:

[Vol. II of this Code.]

Amendment of section 15.

5. In the said Act the first paragraph of section 15 shall be numbered as sub-section (*1*), and for the second paragraph of the same section there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendment of section 21.

6. In the proviso to section 21 of the said Act as amended by Bombay Act III of 1883, in place of the word and figure "and 6" there shall be substituted the following, namely, "(6) and (7)".

Amendment of section 22.

7. To section 22 of the said Act there shall be added the following, *viz.*:

[Vol. II of this Code.]

Amendment of section 23.

8. In section 23 of the said Act, for the first twenty-two words thereof there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendment of section 37.

9. In section 37 of the said Act, after the first sentence ending with the "thoroughfare" there shall be inserted the following, *viz.*:

[Vol. II of this Code.]

Insertion of two new sections after section 42.

10. After section 42 of the said Act there shall be inserted the following new sections, *viz.*:

[Vol. II of this Code.]

Repeal of part of section 43.

11. The last three paragraphs of section 43 of the said Act are repealed.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1897, Pt. V, p. 277; for Report of Select Committee, *see ibid.* 1898, p. 214; and for Proceedings in Council, *see ibid*, 1898, pp. 292 and 399, and *ibid.* 1899, p. 13.

Short Title.—"The Bombay Port Trust (Amendment) Act, 1899," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

Insertion of two new sections after section 43.

12. After section 43 of the said Act the two following sections shall be inserted, *viz.* :

[Vol. II of this Code.]

Amendment of section 49.

13. After clause (*5*) of section 49 of the said Act the following clause shall be inserted, *viz.* :

[Vol. II of this Code.]

Amendment of section 50.

14. To section 50 of the said Act there shall be added the following *viz.* :

[Vol. II of this Code.]

Insertion of a new section after section 51.

15. After section 51 of the said Act there shall be inserted the following new section, *viz.* :

[Vol. II of this Code.]

Insertion of a new section after section 67.

16. After section 67 of the said Act there shall be inserted the following new section, *viz.* :

[Vol. II of this Code.]

Amendment of section 68.

17. In section 68 of the said Act between clause (*7*) and the proviso thereto the following shall be inserted, *viz.* :

[Vol. II of this Code.]

Insertion of a new clause in section 73.

18. In section 73 of the said Act, the word "and" at the end of clause (*g*) shall be omitted; clause (*h*) shall be lettered as clause (*i*); and the following shall be inserted as clause (*h*) :

[Vol. II of this Code.]

Amendment of section 78.

19. For the proviso to section 78 of the said Act there shall be substituted the following, *viz.* :

[Vol. II of this Code.]

Amendment of section 84.

20. In the last sentence of section 84 of the said Act, between the words "authorized" and "officer" there shall be inserted the words "Dock Master or"; the words "or of the Master Attendant's Department" shall be omitted; and the following words shall be added at the end of the section, *viz.* :

[Vol. II of this Code.]

Repeal of enactments.

21. The enactments mentioned in the Schedule are repealed to the extent specified in the third column thereof.

SCHEDULE.

(*See Section 21.*)

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI of 1879.	Bombay Port Trust Act...	Section 9 to, and including, the words "in every other case." Section 10 to, and including, the words "in every other case." Section 21 the words from "until a schedule" to "foregoing provisions." Section 57.
Bombay Act III of 1883.	Bombay Port Trust, amending Bombay Act VI of 1879.	Section 5.

BOMBAY ACT No. II OF 1899.[1]

[*7th June, 1899.*]

An Act to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for preventing the adulteration of Ghee and other articles of human food; It is enacted as follows :—

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the Bombay Prevention of Adulteration Act, 1899.

Extent.

(*2*) This Act extends to the whole of the Presidency of Bombay, but it shall not come into force except as in this section provided.

(*3*) This section and section 6 shall come into force at once throughout the extent of this Act.

Commencement.

(*4*) The other sections of this Act shall come into force, subject to the provisions of sub-section (*5*),

(*a*) in the City of Bombay at once, and

[2] (*b*) in each municipal district elsewhere in respect of which the Governor in Council at any time so directs by notification, from such date, which shall not be less than one month from the date of the notification, as he prescribes therein in this behalf.

Provisions restricting the application of certain sections.

(*5*) (*a*) Nothing contained in any section coming into force under sub-section (*4*) shall apply—

(*i*) in the City of Bombay, in the first instance, to any [3]food other than ghee,

(*ii*) [4] in any municipal district, to any food which is not of a kind to which the provisions contained in such section are, by a notification

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Pt. V, p. 225; for Reports of Select Committee, *see ibid*, p. 302, and *ibid*, 1899, p. 1; and for Proceedings in Council, *see ibid*, p. 400, and *ibid*, 1899, pp. 13, 42 and 64.

[2] Sections 2, 3 and 4 came into force within the Municipal Districts of Karachi, Hyderabad and Bandra and Kurla with effect from the 15th August, 1901, *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675, and see also addenda on p. cexevi of the list prefixed to the Bombay Local Rules and Orders.

[3] For notification declaring that from 1st April, 1912, the Act shall apply to milk in City of Bombay, *see* Bombay Government Gazette, 1912, Pt. I, p. 304.

[4] For notification restricting the application of the provisions of this Act to ghee within the Municipal Districts of Karachi, Hyderabad, Bandra and Kurla. *see* Notification No. 3842, dated 5th July, 1901, in Bombay Gazette, 1901, Pt. I, p. 1155, *ibid*, 1902, Pt. I, p. 675.

under this section, for the time being made applicable in such district.

(*b*) But each of the said sections and of the amendments therein contained, in respect of which the Governor in Council at any time so directs by notification, shall, in the City of Bombay or in any municipal district mentioned in such notification, apply to food of all kinds, or to food of any kind therein specified, from such date, which shall not be less than one month from the date of such notification, as shall be prescribed therein in this behalf.

(*c*) The Governor in Council may at any time cancel or vary, but not otherwise than in accordance with the provisions of this section, any notification made thereunder.

(*d*) No proceedings shall at any time be instituted under section 3, without the order or consent in writing,— No proceedings to be instituted without leave of Commissioner or President or Vice-President of Municipality.

(*i*) in the City of Bombay, of the Commissioner, or

(*ii*) in a municipal district, of the President or the Vice-President of the Municipality.

(*e*) In all prosecutions under section 3 or section 4, the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused, and if such prosecution relates to a perishable article purchased from such person for the purpose of analysis, the application for such summons shall be refused unless it is made within twenty-eight days from the date of the purchase of such article, and particulars of the offence or offences against this Act of which such person is accused, and the name of the prosecutor, shall be stated in the summons, and the day fixed for the hearing of the case shall not be less than seven days from the day on which the summons is served upon such person. Summons when to be applied for and what it is to contain.

(*f*) In this section and in the amendments contained in section 6, the term "food" does not include drugs or water, but includes every other article which is used for food or drink by man. Meaning of "food," where its application is not restricted.

Act to be read with Municipal Acts in force.

[1] **2.** Subject to the provisions of section 1, this Act shall, in so far as it affects the City of Bombay, be read with, and construed as if it were part of, the [2] City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with, and construed as if it were part of, the [3] [[4] Bombay District Municipal Act, 1901].

Bom. Act III of 1888.

Bom. Act III of 1901.

PROVISIONS WHICH RELATE TO THE SALE OF FOOD, AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Punishment for selling human food not of the proper nature, substance or quality.

[1] **3.** (*1*) Whoever sells to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser, shall be punished for the first offence with fine which may extend to one hundred rupees, and for a second or any subsequent offence with fine which may extend to five hundred rupees.

Protection to persons acting in good faith.

(*2*) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say,—

(*a*) where any matter or ingredient not injurious to health has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof,

(*b*) where in the process of production, preparation or conveyance of such article of food some extraneous substance has unavoidably become intermixed therewith,

(*c*) where any matter or ingredient not injurious to health has been added to or mixed with such article of food and, before the sale thereof, the seller has brought to the notice of the purchaser, either by means of a label distinctly and legibly written or printed on or with the article or otherwise, the fact that such matter or ingredient has been so added or mixed.

Explanation.—If in compliance with a demand for ghee any article is supplied which contains any substance not exclusively derived from milk, such article shall be deemed to have been sold to the prejudice of the

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[1] *See* footnote [3] on page 100, *supra*.

[2] Vol. III of this Code.

[3] These words and figures were substituted for the words and figures "Bombay District Municipal Acts, 1873 and 1884" by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[4] *Infra*.

purchaser within the meaning of sub-section (*1*), unless before the sale thereof the seller has brought to the notice of the purchaser the fact that it contains such substance.

What is or is not a good defence in prosecutions under this section.

(*3*) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser having bought only for analysis, was not prejudiced by the sale:

Provided that the vendor shall not be deemed to have committed an offence under this section, if he proves to the satisfaction of the Court—

(*a*) that the article sold was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warrant to the effect that it was of such nature, substance and quality;

(*b*) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid; and

(*c*) that he sold it in the same state in which he purchased it.

Persons refusing to sell any article to proper authority liable to penalty.

[1] **4.** (*1*) If in the City of Bombay the Commissioner or any officer empowered by him in that behalf, or elsewhere the officer authorized by the Municipality for the purposes of [2] [section 142 of the Bombay [3] District Municipal Act, 1901,] shall apply to purchase any article of food exposed for sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Bom. Act III of 1901.

Provisions for identifying sample purchased.

(*2*) The Commissioner or officer empowered as aforesaid in the City of Bombay, and elsewhere the officer authorized by the Municipality as aforesaid, on purchasing any article under this section for the purposes of analysis, shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the Chemical Analyser to Government, and shall offer to divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

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[1] *See* footnote 2 on p. 100, *supra*.

[2] These words and figures were substituted for the words and figures "section 68 of the Bombay District Municipal Act, 1873," by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[3] *Infra*.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the Chemical Analyser to Government.

(*3*) If the seller or his agent do not accept the offer of the purchaser as aforesaid to divide the article purchased in his presence, the Chemical Analyser to Government receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he supplies his certificate, to be delivered to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

PROVISIONS WHICH RELATE TO EXPOSURE FOR SALE, ETC., AND WHICH MAY BY NOTIFICATION BE MADE APPLICABLE TO ANY FOOD.

Addition to section 415 of the City of Bombay Municipal Act, 1888.

5. (*1*) In the City of Bombay Municipal Act, 1888,— Bom. Act III of 1888.

(*a*) To section 415 there shall be added the following, namely :

[Vol. III of this Code.]

(*b*) After section 417 thereof, there shall be inserted the following new section, namely :

[Vol. III of this Code.]

[1] * * * * * *

Addition of section to section 417 of the City of Bombay Municipal Act, 1888.

[2] [(*2*)] The proviso hereinafter contained shall be added as sub-section (*2*) to section 417A of the City of Bombay Municipal Act, 1888, as amended by sub-section (*1*) of this section, * * * * Bom. Act III of 1888.

[3] * * * * * * , namely ;

[*Infra.*]

Amendment in the City of Bombay Municipal Act, 1888.

PROVISIONS WHICH COME INTO FORCE AT ONCE AND ARE NOT RESTRICTED IN THEIR APPLICATION.

6. [4] * In the City of Bombay Municipal Act, 1888,— Bom. Act III of 1888.

(*a*) in sub-section (*2*) of section 417, for the words " he shall cause " there shall be substituted the following, namely :

[Vol. III of this Code.]

(*b*) after section 417A of the said Act as amended by sub-section (*1*) and sub-section (*3*) of section 5 of this Act, there shall be inserted the following new sections, namely : New Section to be inserted after section 417A in the City of Bombay Municipal Act.

[Vol. III of this Code.]

[5] * * * * * * * * *

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[1] Sub-section (*2*) was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

[2] The figure (*2*) was substituted for the figure " 3 " and the letter " (*a*) " and the word " and " were repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[3] Clause (*b*) up to, and including, the words " of this section " was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

[4] The figure (*1*) was repealed by the Schedule to the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. Act 3 of 1902), *infra*.

[5] Sub-section (*2*) was repealed by s. 2 (*2*) of the Bombay District Municipal Act, 1901 (Bom. Act 3 of 1901), *infra*.

BOMBAY ACT No. III OF 1899.[1]

[*11th November, 1899.*]

An Act to provide for the grant of Special Occupancies in certain Government lands in Sind.

WHEREAS it is expedient to provide for the grant by the Government of special occupancies in certain lands in the Province of Sind within the Presidency of Bombay which are the property of the Government and are wholly or partly irrigable from Government canals; It is hereby enacted as follows :—

Short title. **1.** (*1*) This Act may be called the Government Occupants (Sind) Act, 1899.

Extent. (2) It extends to the Province of Sind, being part of the territories for the time being administered by the Governor of Bombay in Council.

Commencement. (3) It shall come into force at once.

Definition. **2.** [2] In this Act, unless there is something repugnant in the subject or context, "Collector" includes also any officer appointed by the Local Government to perform all or any of the functions of the Collector under this Act. And the Local Government may delegate to any officer so appointed all or any of the powers of a Collector under the [3] Bombay Land Revenue Code, 1879, in the area subject to his administration.

Bom. Act V of 1879.

Application of Act. [4] **3.** The Local Government may, by notification in the official Gazette, apply the provisions of this Act to any tract of land in Sind, such land being the property of Government and being wholly or partly irrigable from a canal the property of Government.

Issue of statements of conditions of occupancies. [4] **4.** When this Act has been so applied to any tract, the Local Government may issue a [5] statement or statements of the conditions on which it is willing to grant to occupants lands situate in such tract.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1899, Pt. V, p. 69; and for Proceedings in Council, *see ibid*, p. 214.

[2] For list of notifications issued under these sections, *see* addenda to p. cexevi of the list prefixed to the Bombay Local Rules and Orders.

[3] Vol. II of this Code.

[4] For list of notifications issued under these sections, *see* the list prefixed to the Bombay Local Rules and Orders.

[5] For statement as to land irrigated wholly or partly from the—

(1) Jamrao Canal, *see* Bombay Government Gazette, 1899, Pt. I, pp. 757, 761 and 767.
(2) Dad Canal, *see ibid*, pp. 768, 772 and 775.
(3) Nasrat and Naulaki Canals, *see ibid*, pp. 779, 783 and 789.
(4) Hirah Nah Canal, *see ibid*, pp. 791, 795, 798 and 801.

Power to grant occupancies on such conditions.

[1] **5.** When any such statement has been issued for any tract, the Collector may, in manner hereinafter provided, grant occupancies of lands in such tract on the conditions prescribed in such statement.

Mode of making such grants.

[1] **6.** Before an occupancy of any lands is granted on such conditions to any person in any such tract, the Collector shall prepare a sanad in duplicate describing such lands and otherwise in such form and containing such particulars as the Local Government may prescribe. One copy shall be signed by the proposed occupant in token of acceptance of the occupancy and shall be retained by the Collector, and the other copy shall thereupon be delivered to such proposed occupant :

Provided that where the Collector, in lieu of any of the lands described in any such sanad, subsequently grants the occupancy of any other lands in any such tract, he may, instead of preparing a fresh sanad in duplicate as aforesaid, endorse a note of this on the copies of the sanad already prepared, and have the endorsement on his copy signed by the occupant in token of his consent thereto.

Effect of signature of entry.

7. When any [2][such sanad or endorsement thereon] has been so signed as directed in the last foregoing section, the person signing the same as proposed occupant and his successors in interest shall, notwithstanding any previous agreement or anything contained in the [3]Bombay Land Revenue Code, 1879, or any other enactment now in force, be deemed to have accepted and to hold the lands described in such [4][sanad or endorsement thereon] as an occupant from the Government on the conditions [5][on which the occupancy has been granted under sections 5 and 6.] Bom. Act V of 1879.

Transfer of rights of occupants.

8. The rights or interests vested in an occupant by or under this Act shall not be capable of being attached or sold in execution of a decree or order of any Court or in any insolvency proceedings, nor shall they or any of them, without the previous consent in writing of the [6][Collector], be transferred or charged by any sale, gift or mortgage or other private contract.

[Provided that nothing in this section shall apply to any transaction to which a co-operative society registered under the [8] Co-operative Societies Act, 1912, is a party.] II of 1912.

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[1] Sections 5 and 6 were substituted by s. 2 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[2] These words were substituted for the words " entry in any such register " by s. 3 *ibid*.

[3] Vol. II of this Code.

[4] These words were substituted for the word " entry " by s. 3 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[5] These words were substituted for the words " prescribed in the statement prefixed to such register " by *ibid*.

[6] This word was substituted for the words " Commissioner in Sind " by s. 2 and Sch. I of the Bom. Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[7] This proviso was added by s. 2 of the Government Occupants (Sind) Amendment Act, 1919 (Bom. Act 3 of 1919), Vol. V of this Code.

[8] General Acts, Vol. VII.

Sums due in respect to occupancy recoverable as arrears of land revenue.

9. All sums due to the Government in respect of an occupancy granted in pursuance of this Act shall be recoverable as if they were arrears of land revenue due from the occupant in respect of such occupancy.

Retrospective effect given to the Act in respect of occupancies granted under conditions before the passing of the Act.

10. Notwithstanding anything hereinbefore provided, any occupancy which may have been granted, upon special conditions, at any time after the 15th day of October, 1899, and before the passing of this Act, in respect of lands comprised within any tract which may be notified under section 3, shall be deemed to have been granted under the provisions of this Act, and shall have the same validity as if it had been granted in accordance with the foregoing provisions [1] * * * *

BOMBAY ACT No. I OF 1900.[2]

[*1st June 1900.*]

An Act to amend the Bombay Civil Courts Act, 1869.

XIV of 1869. X of 1876 and XV of 1880. XII of 1891. Bom. Act III of 1895. 55 and 56 Vict, c. 14.

WHEREAS it is expedient to amend the [3] Bombay Civil Courts Act, 1869, as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880, the Repealing and Amending Act, 1891, and by the Bombay Civil Courts Act Amendment Act, 1895; and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is enacted as follows:—

Short title.

1. This Act may be cited as the Bombay Civil Courts Amendment Act, 1900.

Amendment of section 16.

XIV of 1869. **2.** [4] In the first sentence of section 16 of the [3] Bombay Civil Courts Act, 1869, amended as aforesaid, after the word "value" where it first occurs shall be inserted the following:—"applications or references under Special Acts," and after the word "applications" where it occurs for the second time the words "or references" shall be inserted.

Amendment of section 21.

3. At the end of section 21 of the said Act, amended as aforesaid, the following shall be added:—

[Vol. II of this Code.]

Amendment of section 23.

4. [4] (*a*) In the first paragraph of section 23 of the said Act, amended as aforesaid, after the word "jurisdictions" the following words shall be added:—

[Vol. II of this Code.]

(*b*) For the last paragraph of section 23 of the said Act, amended as aforesaid, there shall be substituted the following:—

[Vol. II of this Code.]

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[1] The words "Such particulars as may be prescribed by the Local Government shall be entered in respect of such occupancies in the registers provided under section 5" were repealed by s. 4 of the Government Occupants (Sind) Amendment Act, 1908 (Bom. Act 1 of 1908), *infra*.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 3; for Report of Select Committee, *see ibid*, p. 59; for Proceedings in Council, *see ibid*, pp. 43, 45 and 69.

[3] Vol. II of this Code.

[4] Sections 2 and 4 to 9 of the Act have been extended under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, to the Province of Sindh, *see* Gazette of India, 1900, Pt. I, p. 823, *ibid*, 1901, Pt. I, p. 73.

Amendment of section 27.

5. [1] (*a*) In the first paragraph of section 27 of the said Act, amended as aforesaid, after the words "first class" there shall be inserted the following :—

[Vol. II of this Code.]

(*b*) In the second paragraph of the said section, after the words "first class" there shall be added the following :—

"or a Judge of a Court of Small Causes."

(*c*) For the third paragraph of the said section there shall be substituted the following :—

[Vol. II of this Code.]

Amendment of section 28.

6. [1] For the first paragraph of section 28 of the said Act, amended as aforesaid, there shall be substituted the following :—

[Vol. II of this Code.]

Amendment of section 40.

7. [1] In section 40 of the said Act, amended as aforesaid, for the words "Governor of Bombay in Council" the words "the District Judge" shall be substituted, and for the words "the Governor General of India in Council" the words "the Governor of Bombay in Council," and after the word "Act" the following shall be added :—

"within the local limits of his jurisdiction."

Insertion of a new section 40A.

8. [1] After section 40 of the said Act, amended as aforesaid, the following new section shall be inserted :—

[Vol. II of this Code.]

Insertion of of a new section.

9. [1] After section 41 of the said Act, amended as aforesaid, the following new section shall be inserted :—

[Vol. II of this Code.]

BOMBAY ACT No. II OF 1900. [2]

[*25th September, 1900.*]

An Act to further amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. Act III of 1888.

Amendment of section 74 (2) (c).

1. For clause (*c*) of sub-section (*2*) of section 74 of the City of Bombay Municipal Act, 1888, there shall be substituted the following, namely : Bom. Act III of 1888.

[Vol. III of this Code.]

Amendment of s. 75 (3).

2. In sub-section (*3*) of section 75 of the said Act, for the words "rupees fifteen hundred" where they occur therein, there shall be substituted the following, namely :

"the maximum permissible under clause (*c*) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed.".

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[1] *See* footnote * on p. 107 *supra*.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 84 ; and for Proceedings in Council, *see ibid*, p. 163.

Short Title.—"The City of Bombay Municipal (Amendment) Act, 1900," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

BOMBAY ACT No. III OF 1900.[1]

[*25th October, 1900.*]

An Act to amend the Bombay City Land Revenue Act, 1876.

Bom. Act II of 1876.

WHEREAS it is expedient to amend the Bombay City Land Revenue Act, 1876, in manner hereinafter appearing; It is enacted as follows:—

Bom. Act II of 1876.

Amendm of Interp tion sect

1. In the Bombay City Land Revenue Act, 1876, hereinafter referred to as the said Act, in section 3 thereof,

(*a*) after the words "in the subject or context," there shall be inserted the following, namely:

[Vol. II of this Code.]

(*b*) For clause (*4*) of the same section there shall be substituted the following, namely:

[Vol. II of this Code.]

Addition section 9

2. To section 9 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Addition section 1

3. To section 10 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Amendm of sectio

4. In section 13 of the said Act, for the first seventeen words thereof, there shall be substituted the following, namely:

[Vol. II of this Code.]

Amendm of sectio

5. In section 26 of the said Act, after the words "any such encroachment," there shall be inserted the following, namely:

[Vol. II of this Code.]

Amendm of sectio

6. In section 31 of the said Act, after the words "instrument of transfer, if any," there shall be inserted the following, namely:

[Vol. II of this Code.]

Addition section 3

7. To section 36 of the said Act there shall be added the following, namely:

[Vol. II of this Code.]

Amendm of sectio

8. In section 37 of the said Act, after the words "repair of survey boundary marks," the following words shall be inserted, namely:

"or on account of the abatement or removal of an encroachment."

Additio Schedul

9. The following shall be added to Schedule A of the said Act:

[Vol. II of this Code.]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1900, Pt. V, p. 6; for Report of Select Committee, *see ibid*, p. 73; and for Proceedings in Council, *see ibid*, pp. 26, 71 and 189.

Short Title.—"The Bombay City Land-revenue (Amendment) Act, 1900," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

BOMBAY ACT No. I OF 1901.[1]

[*7th March, 1901.*]

An Act to amend the Bombay Salt Act (Bombay Act II of 1890).

WHEREAS it is expedient to amend the [2] Bombay Salt Act, 1890; It is hereby enacted as follows :— Bom. Act of 1890.

1. For section 3, clause (*m*), of the said Act, there shall be substituted the following, namely :

[Vol. III of this Code.]

2. In clause (*c*) of section 47 of the said Act there shall be inserted between the words " receives " and " or, without lawful excuse," the words " or is in possession of ".

BOMBAY ACT No. II OF 1901.[3]

[*29th March, 1901.*]

An Act to further amend the Bombay Port Trust Act of 1879.

WHEREAS it is expedient to further amend the [4] Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is enacted as follows :— Bom. Act of 1879.

1. (*1*) This Act shall be called the Bombay Port Trust Act Amendment Act of 1901.

Commencement. (*2*) It shall come into force on 1st April, 1901.

2. In clause (*3*) of section 36 of the [4] Bombay Port Trust Act as amended by section 145 of the [5] City of Bombay Municipal Act, 1888, for the words " nine-tenths " shall be substituted the words " nineteen-twentieths ". Bom. Act of 1879. Bom. Act of 1888.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 97 ; and for Proceedings in Council, *see ibid*, p. 112.

Short Title.—" The Bombay Salt (Amendment) Act, 1901," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] Vol. III of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1901, Pt. V, p. 77 ; and for Proceedings in Council, *see ibid*, p. 112.

[4] Vol. II of this Code.

[5] Vol. III of this Code.